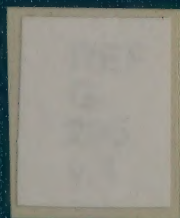


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9018 Vol.1

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**HOUSE JOURNAL  
FIRST LEGISLATIVE DAY**

Helena, Montana  
January 2, 1995

House Chambers  
State Capitol

Pursuant to the Constitution of the State of Montana, at the hour of 12:00 noon, the House of Representatives of the 54th Legislature of the State of Montana was called to order by the Honorable Mike Cooney, Montana's Secretary of State.

Posting of the Colors by Major Kevin Collins and members of the Montana National Guard and the Pledge of Allegiance to the Flag followed.

The invocation was sung by Dr. David Thye, Director of Choral Music at the University of Montana, Missoula.

Chief Clerk Marilyn Miller called the roll by districts as follows:

District No. 1, Marian W. Hanson; District No. 2, John Johnson; District No. 3, Tom Zook; District No. 4, Ellen Bergman; District No. 5, Lila V. Taylor; District No. 6, Judy Murdock; District No. 7, Don Holland; District No. 8, Robert C. Clark; District No. 9, H.S. "Sonny" Hanson; District No. 10, Royal C. Johnson; District No. 11, Thomas E. Nelson; District No. 12, Loren L. Soft; District No. 13, Joan Hurdle; District No. 14, John C. Bohlinger; District No. 15, Daniel C. Fuchs; District No. 16, Jay Stovall; District No. 17, Bonnie Martinez; District No. 18, Bruce T. Simon; District No. 19, Norm Mills; District No. 20, Peggy Arnott; District No. 21, Daniel W. McGee; District No. 22, Brad Molnar; District No. 23, Alvin A. Ellis, Jr.; District No. 24, Robert R. Story, Jr.; District No. 25, Shiell Anderson; District No. 26, Bob Raney; District No. 27, Jack Wells; District No. 28, Rod Marshall; District No. 29, Beverly Barnhart; District No. 30, Emily Swanson; District No. 31, Steve Vick; District No. 32, Joe Barnett; District No. 33, Karl Ohs; District No. 34, Bill Tash; District No. 35, Debbie Shea; District No. 36, Joe Quilici; District No. 37, Robert J. "Bob" Pavlovich; District No. 38, Dan W. Harrington; District No. 39, Duane Grimes; District No. 40, Gay Ann Masolo; District No. 41, William R. Wiseman; District No. 42, Rose Forbes; District No. 43, Diana E. Wyatt; District No. 44, William M. "Bill" Ryan; District No. 45, Deb Kottel; District No. 46, Carley Tuss; District No. 47, Joe Tropila; District No. 48, Patrick G. Galvin; District No. 49, Richard D. Simpkins; District No. 50, John Cobb; District No. 51, Chris Ahner; District No. 52, Hal Harper; District No. 53, David Ewer; District No. 54, Chase Hibbard; District No. 55, Edward J. "Ed" Grady; District No. 56, Liz Smith; District No. 57, William T. "Red" Menahan; District No. 58, Don Larson; District No. 59, Cliff Trexler; District No. 60, Jeanette S. McKee; District No. 61, Dick Green; District No. 62, Matt Brainard; District No. 63, Matt Denny; District No. 64, Vicki Cocchiarella; District No. 65, Jon Ellingson; District No. 66, Mike Kadas; District No. 67, Bill Carey; District No. 68, Carolyn M. Squires; District No. 69, Robert R. "Bob" Ream; District No. 70, Linda McCulloch; District No. 71, Kenneth Wennemar; District No. 72, Jim Elliott; District No. 73, Rick Jore; District No. 74, John A. Mercer; District No. 75, Bob Keenan; District No. 76, Paul Sliter; District No. 77, Jack R. Herron; District No. 78, Roger Somerville; District No. 79, William E. Boharski; District No. 80, Marjorie I. Fisher; District No. 81, Aubyn A. Curtiss; District No. 82, Scott J. Orr; District No. 83, Douglas T. Wagner; District No. 84, Susan L. Smith; District No. 85, George Heavy Runner; District No. 86, Harriet Hayne; District No. 87, John "Sam" Rose; District No. 88, Gary Feland; District No. 89, Roger DeBruycker; District No. 90, Antoinette R. Hagener; District No. 91, Ray Peck; District No. 92, Matt McCann; District No. 93, Dick Knox; District No. 94, Larry Hal Grinde; District No. 95, Ernest Bergsagel; District No. 96, Sam Kitzenberg; District No. 97, Charles R. Devaney; District No. 98, Dore Schwinden; District No. 99, Betty Lou Kasten; District No. 100, William Rehbein. All members present.

Mike Cooney, Secretary of the State, extended greetings to the members on behalf of the State of Montana. He delivered the following address:



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 2, 1995

Justice Nelson, Members-elect of the 54th Legislature, Dr. Thye, friends and fellow Montanans.

On behalf of the State of Montana I extend to you official greetings.

This is the fourth time I have had the distinct honor and pleasure of presiding over the opening session of the Montana House of Representatives. And although this is a ministerial act required by our Constitution, I have always enjoyed being a part of this special day. After all, it has been only 18 years since I sat in this chamber, like many of you, for the first time as a member of this distinguished body.

However, twenty years ago I sat in the gallery and watched with great interest the opening session of the House as a legislative intern from the University of Montana. It was that session in which I was first introduced to this institution and the legislative process. It was that session, 20 years ago, that piqued my interest in government and public service. It was that session twenty years ago which convinced me that government can and must make a difference.

Throughout those years I have learned that making a difference isn't easy. Governing in the 1990s is an especially difficult job. It is neither easy nor convenient. It requires 100% of your heart, soul and mind. But this is exactly the way our founders designed it. Abraham Lincoln spoke of governance this way. He said:

"This is essentially a people's contest. It is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of mankind."

To add to the struggle, our system is also rather burdensome and slow. Change is not to be made in haste, and it must be well thought out. We all walk that fine line allowing the majority to rule but at the same time protecting the rights of the minority.

All the while we must never forget that we work for the finest people on the face of the Earth and they, the true government, have asked us to work together to find solutions to the many challenges facing our state. This is the job that the people of Montana have sent you here to do. To take care of the people's business. To do what is right for all of us Main Street Montanans.

Each and every one of you are to be commended for making the personal sacrifice, for putting yourselves behind these desks in this chamber. These are not easy times, and we face many difficult problems. Although I know you will enjoy your time as a Representative, there will be those days when you wonder whether it is worth it. John Adams explained his reasons for involving himself in public life in a letter to his wife Abigail this way: "I must study politics so that my sons may have liberty."

While Adams' statement may seem a bit dramatic today, the basic issue is the same. We are here today to build the Montana and America of tomorrow for our children and grandchildren together, and it is worth it.

Ninety days from now all of this will be over. You'll be back in your homes with friends and family.

To close I want to share with you a quote that one of my staff has on her wall. She has it in a place where she can see it every morning when she comes in to work and every evening when she leaves for home. If you can use this message when you meet with constituents 90 days from now, then you and Montana will have had a successful legislative session. It reads:

"I have said what I meant and meant what I said. I have not done as well as I should like to have done, but I have done my best, frankly and forthrightly. No man can do more and you are entitled to no less."



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 2, 1995

God's speed and good luck.

Secretary of State Cooney then introduced Supreme Court Justice James Nelson who administered the following oath of office:

"I do solemnly swear that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office as a member of the House of Representatives with fidelity, so help me God."

Secretary of State Cooney informed the members of the House of Representatives that he had been advised that all oaths of office had been signed and received. These were presented to Justice Nelson for his acknowledgement and then filed in Secretary of State Cooney's office.

Secretary of State Cooney called for nominations for Speaker of the House of Representatives.

Representative Grinde nominated Representative John Mercer, District No. 74.

Representative Peck moved Representative Mercer be elected Speaker of the House of Representatives by acclamation. Motion carried.

Secretary of State Cooney declared Representative John Mercer, District No. 74, duly elected as Speaker of the House of Representatives for the 54th Legislature.

Representatives Grinde and Peck escorted the Speaker to the rostrum where he was formally introduced by Secretary of State Cooney and presented with the Speaker's gavel.

Representatives Swanson and Simpkins escorted Secretary of State Cooney, Justice Nelson and Dr. Thyne from the House Chamber.

After Speaker Mercer delivered the following address, he introduced his family.

**Opening Day Remarks**  
**January 2, 1995**  
**Speaker of the House, John Mercer**

Today we welcome the beginning of a new era for the citizens of Montana and their state government. In the rear view mirror we see ten years completely consumed by never ending financial crisis paralyzed in partisan gridlock. In addition, biennial government spending exploded from \$2.9 billion to \$5.5 billion while individual freedom decreased. Guess what? Public confidence hit an all time low.

Frustrated with their government, the people of our state faced a choice. They could give up on government, writing it off as an outdated, out of control, automated robot; or instead, they could view it as a useful and steady workhorse, just waiting for them to pick up the reins. The people made their choice; they exercised their right to vote in record numbers; they sent us here, Republicans and Democrats, to take control of those reins.

Thanks to Governor Racicot's efforts, hard work by the last legislature and increased economic activity generated by hardworking Montanans, we no longer face a financial crisis. Furthermore, as a result of the election, partisan gridlock has disappeared. These changes alone, however, will not restore public confidence. We must



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 2, 1995

earn that confidence by bringing change to state government in a manner that reflects the values of the people who elected us.

Montana values are not difficult to understand: our citizens want less government and more individual freedom. We are here to apply those values to state government. Government's preoccupation with providing ever-expanding services must give way to government's most important obligation -- the protection of individual freedom. Let those who look back at this legislature sum it up with these words -- "Less government, more individual freedom."

At the beginning of every legislative session, it is important to remind ourselves who created this House of Representatives and why. It's not just a place to store our priceless Charlie Russell painting. This House was created by the parents, grandparents and great grandparents of the people who elected us as their way of securing their individual freedoms and pursuing the common good. Our state is divided into one hundred districts of equal population, and the people who live in each district are free to pick whomever they want to represent them in this room. At this critical time in our history, they picked you. That is a great honor with tremendous responsibility. The people of Montana are counting on us to change things. We will not let them down.

Even though the session has only just begun, we've accomplished things already. The legislative budget is \$331,310 less than last session; we have fewer legislative employees and less legislation. I want to thank the members for exercising self-discipline in restricting the number of bills. You are applying Montana values to the operation of this House.

Now we want to take the values of Montana citizens and put them to work for all of state government, and the Action Plan provides us the road map. Excess tax collections from the last budget could be used to expand government programs. That certainly sounds familiar. Here's the good news: those days are over. We plan to give the excess back because that is the Montana way. Honest and straightforward.

We plan to return responsibility to the criminal justice system, including youth court. Unlawful actions must have unpleasant consequences. Furthermore, the people of our state have a right to know, at the time of sentencing, exactly how long a criminal will be locked up. Truth in sentencing -- a simple Montana value.

We have created a Select Committee which will work for access to affordable, quality, basic health care for every Montanan, but not government-run health care. We believe welfare reform is critical to restore individual dignity. We want to free people from government assistance and restore their independence and freedom.

We plan to return the control and operation of our schools to the parents, teachers, students and elected school boards back home. There are too many people in charge of education, too many state mandates and too much administrative control by the state.

The federal government imposes policies and mandates on Montana not authorized by the United States Constitution. Our new State/Federal Relations Committee is charged with working toward returning the proper balance of power between Montana and the federal government.

We have many other things we want to accomplish: eliminating departments of state government, returning as many decisions and powers as possible to the local governments and to individuals, seeking property tax relief, and working to just simplify our excessively complicated government.

Are we ambitious? No more so than the people who sent us here. The folks back home want us to make changes. That is exactly what we're doing. Montana is worth it.



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 2, 1995

God bless each of you, and God bless the state of Montana.

Representative Peck addressed the House members.

Representative S. Hanson moved the following individuals be nominated as officers of the House of Representatives for the 54th Legislature.

Speaker Pro Tempore - Representative Marian Hanson

Chief Clerk - Marilyn Miller

Sergeant-at-Arms - Nancy Meuli

Representative Peck moved a unanimous ballot be cast for the previously named members. Motion carried.

Chief Clerk Marilyn Miller read the following letters:

Rep. John Mercer

Speaker of the House

State Capitol

Helena, Montana 59620

Mr. Speaker:

This is to advise you that the Republican caucus has elected the following officials:

House Majority Leader - Representative Larry Grinde

House Majority Whip - Representative Sonny Hanson

Sincerely,

Rep. Marian Hanson

Rep. John Mercer

Speaker of the House

State Capitol

Helena, Montana 59620

Speaker Mercer:

This is to advise you that the Democratic Caucus has elected the following officials:

House Minority Leader - Representative Ray Peck

House Minority Whip - Representative Dan Harrington

Sincerely,

Rep. Joe Quilici

Rep. Red Menahan



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 2, 1995

Representative Grinde moved that the joint rules of the House of Representative and the Senate of the 53rd Legislature be the temporary rules of the 54th Legislature. Motion carried.

Representative Grinde moved that the House rules of the 53rd Legislature be the temporary rules of the 54th Legislature. Motion carried.

Representative Grinde moved the Speaker appoint a committee of four members to notify the Governor that the House is now organized and ready to do business. Motion carried.

Mr. Speaker appointed Representatives M. Hanson, Quilici, Grady, and Cocchiarella.

Representative Grinde moved the Speaker appoint a committee of four members to notify the Senate that the House is now organized and ready for business. Motion carried.

Mr. Speaker appointed Representatives Hayne, Menahan, Barnett and Tuss.

Representative Grinde moved the Speaker appoint a committee of four members to notify the Supreme Court, by letter, that the House is now organized and ready to do business.

Mr. Speaker appointed Representatives Clark, L. Smith, Ream and Wyatt.

The committees were discharged from the chamber.

Mr. Speaker directed the House to stand at ease to await the report of the Select Committee from the Senate and the three Select Committees of the House.

**REPORTS OF STANDING COMMITTEES**

LEGISLATIVE ADMINISTRATION (Hayne, Chairman):

1/2/95

Recommend that the following employees be hired by the 54th Legislature:

**CHIEF CLERK'S OFFICE AND ROSTRUM STAFF**

Chief Clerk - Marilyn Miller

Assistant Chief Clerk - Marilynn Novak

Secretary to Chief Clerk - Darolyn Skelton

Journal Clerk - Natasha Gregg

Assistant Journal Clerk - Paul DiLorenzo

Bills Clerk - Carolyn Renaud

Status Input Technician - Elaine Eck

Bills Coordinator - Andrea Small

Amendments Coordinator - Bob Klinker

Assistant Amendments Coordinator/Reading Clerk - David Halvorson

Bills Distribution Clerk - Travis Rothweiler



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 2, 1995

SERGEANT-AT-ARMS STAFF

Sergeant-at-Arms - Nancy Meuli  
Assistant Sergeant-at-Arms - Don Ramage (Inventory and Supplies)  
Assistant Sergeant-at-Arms - Gary Luehr (Page Supervisor)  
Doorman - Jim Pool  
Security - Ben Hainlin, Harry Draper, Karl Kallin (weekend)

COMMITTEE SECRETARIES AND WORD PROCESSORS

Word Processing Center Supervisor - Patty Borneman

Committee Secretaries

Jaelene Racicot - Agriculture  
Marjorie Peterson - Appropriations  
Caren Utterback - Education Subcommittee  
Rosa Fields - General Government Subcommittee  
Ann Boden - Human Services Subcommittee  
Brandee Decrevel - Institutions Subcommittee  
Tracy Bartosik - Long-Range Planning Subcommittee  
Debbie Rostocki - Natural Resources Subcommittee  
Alberta Strachan - Business and Labor  
Rena Decevel - Education  
Mary Riitano - Fish and Game  
Vivian Reeves - Select Committee on Health Care  
Kim Greenough - Highways  
Jacki Sherman - Human Services and Aging  
Joanne Gunderson - Judiciary  
Evie Burris - Local Government  
Alyce Rice - Natural Resources  
Christen Vincent - State Administration  
Donna Grace - Taxation

Word Processors

Betsy Hallowell  
Annabelle Glenn  
Mickey Gage  
Karen Cutler

Proofreader

Lexie Aleksich

Committee Aides

Margaret Boharski  
Bernie Lee



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 2, 1995

Amy Oard

LEADERSHIP STAFF

Secretary to Speaker - Jerri Woodring  
Secretary to the Minority Leader - Gail Gallik  
Aide to the Speaker - Jon Lindgren  
Aide to the Majority Leader - Myrl DeBruycker  
Aide to the Minority Leader - Erica Walters

**REPORTS OF SELECT COMMITTEES**

A committee from the Senate composed of Senators Foster, Benedict and Nelson were admitted and reported to the House that the Senate was organized and ready for any legislation the House might care to send it.

The committee appointed to notify the Governor that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Supreme Court that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Senate that the House is ready for business reported it had done so. The committee was thanked and discharged.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 1**, introduced by Zook, referred to Committee on Appropriations.  
**HB 2**, introduced by Zook, referred to Committee on Appropriations.  
**HB 3**, introduced by Zook, referred to Committee on Appropriations.  
**HB 4**, introduced by Zook, referred to Committee on Appropriations.  
**HB 5**, introduced by Bergsagel, referred to Committee on Appropriations.  
**HB 6**, introduced by Bergsagel, referred to Committee on Appropriations.  
**HB 7**, introduced by Bergsagel, referred to Committee on Appropriations.  
**HB 8**, introduced by Bergsagel, referred to Committee on Appropriations.  
**HB 9**, introduced by Bergsagel, referred to Committee on Appropriations.  
**HB 10**, introduced by Bergsagel, referred to Committee on Appropriations.  
**HB 11**, introduced by Bergsagel, referred to Committee on Appropriations.  
**HB 12**, introduced by Quilici, referred to Committee on Appropriations.  
**HB 13**, introduced by Pavlovich, referred to Committee on Appropriations.  
**HB 14**, introduced by Zook, referred to Committee on Appropriations.



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 2, 1995

HB 15, introduced by Bergsagel, referred to Committee on Appropriations.  
HB 16, introduced by Wyatt, referred to Committee on Appropriations.  
HB 17, introduced by Wiseman, referred to Committee on Appropriations.  
HB 18, introduced by Zook, referred to Committee on Appropriations.  
HB 19, introduced by Bergsagel, referred to Committee on Appropriations.  
HB 20, introduced by Pavlovich, referred to Committee on Appropriations.  
HB 21, introduced by Squires, referred to Committee on Appropriations.  
HB 22, introduced by Squires, referred to Committee on State Administration.  
HB 23, introduced by H.S. Hanson, referred to Committee on State Administration.  
HB 24, introduced by Menahan, referred to Committee on State Administration.  
HB 25, introduced by Peck, referred to Committee on Education & Cultural Resources.  
HB 26, introduced by Wyatt, referred to Committee on Judiciary.  
HB 27, introduced by J. Johnson, referred to Committee on Agriculture, Livestock & Irrigation.  
HB 28, introduced by Schwinden, referred to Committee on Business & Labor.  
HB 29, introduced by Harper, referred to Committee on Appropriations.  
HB 30, introduced by Harper, referred to Committee on Business & Labor.  
HB 31, introduced by Ewer, referred to Committee on Business & Labor.  
HB 32, introduced by Harrington, referred to Committee on Taxation.  
HB 33, introduced by Schwinden, referred to Committee on Business & Labor.  
HB 34, introduced by Harrington, referred to Committee on Business & Labor.  
HB 35, introduced by Cobb, referred to Committee on Appropriations.  
HB 36, introduced by Shea, referred to Committee on Human Services & Aging.  
HB 37, introduced by Ellingson, referred to Committee on Appropriations.  
HB 38, introduced by Harrington, referred to Committee on Taxation.  
HB 39, introduced by Harrington, referred to Committee on Business & Labor.  
HB 40, introduced by Hayne, referred to Committee on Agriculture, Livestock & Irrigation.  
HB 41, introduced by L. Smith, referred to Committee on Judiciary.  
HB 42, introduced by Rehbein, referred to Committee on Natural Resources.  
HB 43, introduced by Tash, referred to Committee on Appropriations.  
HB 44, introduced by Quilici, referred to Committee on Education & Cultural Resources.  
HB 45, introduced by Galvin, referred to Committee on State Administration.  
HB 46, introduced by Simon, referred to Committee on Judiciary.  
HB 47, introduced by Larson, referred to Committee on Business & Labor.  
HB 48, introduced by Larson, referred to Committee on Highways & Transportation.  
HB 49, introduced by Kadas, referred to Committee on Education & Cultural Resources.  
HB 50, introduced by Larson, referred to Committee on Natural Resources.  
HB 51, introduced by J. Johnson, referred to Committee on Education & Cultural Resources.  
HB 52, introduced by Kottel, referred to Committee on Business & Labor.  
HB 53, introduced by J. Johnson, referred to Committee on Business & Labor.  
HB 54, introduced by Nelson, referred to Committee on Local Government.  
HB 55, introduced by Bohlinger, referred to Committee on Judiciary.  
HB 56, introduced by Rose, referred to Committee on Agriculture, Livestock & Irrigation.  
HB 57, introduced by Ewer, referred to Committee on Education & Cultural Resources.  
HB 58, introduced by Ewer, referred to Committee on Education & Cultural Resources.  
HB 59, introduced by Pavlovich, referred to Committee on Fish & Game.  
HB 60, introduced by Kasten, referred to Committee on Judiciary.  
HB 61, introduced by Nelson, referred to Committee on Local Government.  
HB 62, introduced by M. Hanson, referred to Committee on Fish & Game.



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 2, 1995

**HB 63**, introduced by Schwinden, referred to Committee on State Administration.  
**HB 64**, introduced by Ewer, referred to Committee on Judiciary.  
**HB 65**, introduced by McKee, referred to Committee on Judiciary.  
**HB 66**, introduced by Wiseman, referred to Committee on Business & Labor.  
**HB 67**, introduced by R. Johnson, referred to Committee on Taxation.  
**HB 68**, introduced by Schwinden, referred to Committee on Business & Labor.  
**HB 69**, introduced by Fisher, referred to Committee on Judiciary.  
**HB 70**, introduced by Clark, referred to Committee on Judiciary.  
**HB 71**, introduced by DeBruycker, referred to Committee on Judiciary.  
**HB 72**, introduced by Devaney, referred to Committee on Natural Resources.  
**HJR 1**, introduced by Pavlovich, referred to Committee on Human Services & Aging.  
**HJR 2**, introduced by Pavlovich, referred to Committee on Human Services & Aging.  
**HJR 3**, introduced by Wyatt, referred to Committee on Education & Cultural Resources.  
**HJR 4**, introduced by Pavlovich, referred to Committee on Human Services & Aging.  
**HJR 5**, introduced by Cobb, referred to Committee on State Administration.

**MOTIONS**

Representative Grinde moved that Representative Sliter be removed as chief sponsor of HB 28 and that Representative Schwinden be named as chief sponsor of HB 28. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, January 3, 1995. Motion carried.

House adjourned at 12:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
SECOND LEGISLATIVE DAY**

Helena, Montana  
January 3, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Harriet Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 73**, introduced by Pavlovich, referred to Committee on Highways & Transportation.

**HB 74**, introduced by Holland, referred to Committee on Judiciary.

**HB 75**, introduced by Wiseman, referred to Committee on Natural Resources.

**HB 76**, introduced by R. Johnson, referred to Committee on Appropriations.

**HB 77**, introduced by Cocchiarella, referred to Committee on Education & Cultural Resources.

**HB 78**, introduced by Cobb, referred to Committee on Select Health Care.

**HB 79**, introduced by Feland, referred to Committee on Local Government.

**HB 80**, introduced by Feland, referred to Committee on Natural Resources.

**HB 81**, introduced by Feland, referred to Committee on Natural Resources.

**HB 82**, introduced by Herron, referred to Committee on Judiciary.

**HB 83**, introduced by Herron, referred to Committee on Judiciary.

**HB 84**, introduced by Story, referred to Committee on Judiciary.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, January 4, 1995. Motion carried.

House adjourned at 1:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**NOTE: THE DAILY JOURNALS WILL NO LONGER BE PUBLISHED IN BOOK FORM AFTER THE SESSION. IF YOU NEED THE COMPLETE SET AT THE END OF THE SESSION, PLEASE KEEP YOUR DAILY HOUSE AND SENATE JOURNALS AS YOU RECEIVE THEM WITH YOUR PROCEEDINGS. THE DAILY HOUSE AND SENATE JOURNALS CONTAIN THE SAME TEXT AS WAS PUBLISHED IN THE BOOK.**







**HOUSE JOURNAL  
THIRD LEGISLATIVE DAY**

Helena, Montana  
January 4, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Grimes. Pledge of Allegiance to the Flag.

Roll call. All members present except Harrington, Orr, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

January 4, 1995

Correctly printed for second reading: HB 14, HJR 5.

**REPORTS OF STANDING COMMITTEES**

APPROPRIATIONS (Zook, Chairman):

January 4, 1995

HB 14, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

January 4, 1995

HJR 5, introduced bill, do pass. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

HB 85, introduced by Raney, referred to Committee on Taxation.

HB 86, introduced by Simpkins, referred to Committee on Highways & Transportation.

HB 87, introduced by Grinde, referred to Committee on State Administration.

HB 88, introduced by Martinez, referred to Committee on Appropriations.

HB 89, introduced by Peck, referred to Committee on Human Services & Aging.

HB 90, introduced by Feland, referred to Committee on Taxation.

HR 1, introduced by Grinde, referred to Committee on Rules.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, January 5, 1995. Motion carried.

House adjourned at 1:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**NOTE: THE DAILY JOURNALS WILL NO LONGER BE PUBLISHED IN BOOK FORM AFTER THE SESSION. IF YOU NEED THE COMPLETE SET AT THE END OF THE SESSION, PLEASE KEEP YOUR DAILY HOUSE AND SENATE JOURNALS AS YOU RECEIVE THEM WITH YOUR PROCEEDINGS. THE DAILY HOUSE AND SENATE JOURNALS CONTAIN THE SAME TEXT AS WAS PUBLISHED IN THE BOOK.**



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL

James C. Thompson  
District Attorney

Office of the Attorney General  
1000 ...

On ...

January 4, 1932

January 4, 1932

January 4, 1932

RECEIVED  
JAN 10 1932

Enclosed are ...

The following ...

1932



**HOUSE JOURNAL  
FOURTH LEGISLATIVE DAY**

Helena, Montana  
January 5, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Chris Ahner. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Taylor, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 1/5/95  
Correctly printed for second reading: HB 1, HB 28, HB 31.

BILLS (Hayne, Chairman): 1/5/95  
Correctly engrossed for third reading: HB 1.

APPROPRIATIONS (Zook, Chairman): 1/5/95  
**HB 1**, introduced bill, be amended as follows:

1. Page 1, line 12.  
Strike: "\$2,508,000"  
Insert: "\$2,506,000"

2. Page 1, line 13.  
Strike: "\$1,522,871"  
Insert: "\$1,520,871"

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman): 1/5/95  
**HB 28**, introduced bill, be amended as follows:

1. Title, line 7.  
Following: "CHANCE;"  
Insert: "AND"  
Strike: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, line 4.  
Strike: Section 2 in its entirety.

And, as amended, do pass. Report adopted.

**HB 31**, introduced bill, be amended as follows:

Page 1, line 26.  
Following: "organization"  
Insert: "provided that the minor is not officiating adult events or activities"



HOUSE JOURNAL  
FOURTH LEGISLATIVE DAY - JANUARY 5, 1995

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/5/95

**HB 22**, introduced bill, do pass. Report adopted.

**HB 23**, introduced bill, do pass. Report adopted.

**HB 24**, introduced bill, do pass. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 91**, introduced by Hanson, referred to Committee on State Administration.

**HB 92**, introduced by Heavy Runner, referred to Committee on Education & Cultural Resources.

**HB 93**, introduced by Menahan, referred to Committee on Judiciary.

**HB 94**, introduced by Brainard, referred to Committee on Fish & Game.

**HB 95**, introduced by Ohs, referred to Committee on Agriculture, Livestock & Irrigation.

**HB 96**, introduced by Larson, referred to Committee on Taxation.

**HB 97**, introduced by Menahan, referred to Committee on Highways & Transportation.

**HB 98**, introduced by Pavlovich, referred to Committee on Business & Labor.

**MOTIONS**

Representative Grinde moved the rules be suspended to permit placement and consideration of HB 1 on second and third readings and transmittal to the Senate this legislative day. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Peck in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 14** - Representative Zook moved HB 14 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

HOUSE JOURNAL  
FOURTH LEGISLATIVE DAY - JANUARY 5, 1995

Noes: Boharski, Rehbein, Tropila.

Total 3

Excused: Taylor.

Total 1

Absent or not voting: Knox.

Total 1

**HJR 5** - Representative Cobb moved HJR 5 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: R. Johnson.

Total 1

Excused: Taylor.

Total 1

Absent or not voting: Clark, Knox.

Total 2

**HB 1** - Representative Zook moved HB 1 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 97

Noes: Wyatt.

Total 1

Voted Absentee: Knox, Aye.



HOUSE JOURNAL  
FOURTH LEGISLATIVE DAY - JANUARY 5, 1995

Excused: Taylor.  
Total 1

Absent or not voting: Peck.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed.  
Mr. Speaker in the Chair. Chairman Peck moved the adoption of the committee report. Report adopted. (94-1)

**THIRD READING OF BILLS**

**HB 1** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 97

Noes: Wyatt.  
Total 1

Excused: Taylor.  
Total 1

Absent or not voting: Knox.  
Total 1

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 69: Quilici, Gage, Brooke and Ewer.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Friday, January 6, 1995. Motion carried.

House adjourned at 1:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

NOTE: THE DAILY JOURNALS WILL NO LONGER BE PUBLISHED IN BOOK FORM AFTER THE SESSION. IF YOU NEED THE COMPLETE SET AT THE END OF THE SESSION, PLEASE KEEP YOUR DAILY HOUSE AND SENATE JOURNALS AS YOU RECEIVE THEM WITH YOUR PROCEEDINGS. THE DAILY HOUSE AND SENATE JOURNALS CONTAIN THE SAME TEXT AS WAS PUBLISHED IN THE BOOK.

**HOUSE JOURNAL  
FIFTH LEGISLATIVE DAY**

Helena, Montana  
January 6, 1995

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative David Ewer. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives M. Hanson, Curtiss excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the First, Second, Third, and Fourth legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/6/95  
Correctly printed for second reading: HB 22, 23, 24, 47, HR 1.  
Correctly engrossed for third reading: HB 14, HJR 5.

**BUSINESS & LABOR** (Simon, Chairman): 1/6/95  
**HB 47**, introduced bill, do pass. Report adopted.

**RULES** (Grinde, Chairman): 1/6/95  
**HR 1**, introduced bill, do pass. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 99**, introduced by Fuchs, referred to Committee on Education & Cultural Resources.  
**HB 100**, introduced by McKee, referred to Committee on Business & Labor.  
**HB 101**, introduced by Masolo, referred to Committee on Local Government.  
**HB 102**, introduced by Rose, referred to Committee on State Administration.  
**HB 103**, introduced by Rose, referred to Committee on Local Government.  
**HB 104**, introduced by Cobb, referred to Committee on Appropriations.  
**HB 105**, introduced by Bohlinger, referred to Committee on Local Government.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 22** - Representative Squires moved HB 22 do pass. Motion carried as follows:



HOUSE JOURNAL  
FIFTH LEGISLATIVE DAY - JANUARY 6, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Curtiss.

Total 1

Voted Absentee: Curtiss, No.

Excused: M. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 23** - Representative Hanson moved HB 23 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Curtiss, Aye.

Excused: M. Hanson.

Total 1

Absent or not voting: Barnhart, Ellis.

Total 2

**HB 24** - Representative Menahan moved consideration of HB 24 be placed at the bottom of the second reading board. Motion carried.

HOUSE JOURNAL  
FIFTH LEGISLATIVE DAY - JANUARY 6, 1995

**HB 28** - Representative Schwinden moved HB 28 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, Soft.

Total 2

Voted Absentee: Curtiss, Aye.

Excused: M. Hanson.

Total 1

Absent or not voting: Grady, Simpkins.

Total 2

**HB 31** - Representative Ewer moved HB 31 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Hurdle, Rehbein, Trexler, Wyatt.

Total 4

Voted Absentee: Curtiss, Aye.

Excused: M. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 24** - Representative Johnson moved HB 24, second reading copy, be amended as follows (amendment #1):



HOUSE JOURNAL  
FIFTH LEGISLATIVE DAY - JANUARY 6, 1995

1. Page 1, line 26.

Following: "(5)"

Insert: "The composition of each"

2. Page 1, line 26.

Strike: "Each"

3. Page 1, line 26.

Following: "subcommittee"

Insert: "must be as follows:"

4. Page 1, line 27.

Insert: "(a) four members of the house, no more than two of whom may be of one political party; and"

5. Page 1, line 28.

Insert: "(b) four members of the senate, no more than two of whom may be of one political party."

6. Page 1, line 28.

Strike: "consists"

7. Page 1, line 29.

Strike: Line 29 in its entirety.

8. Page 1, line 30.

Strike: Line 30 in its entirety.

9. Page 2, line 1

Strike: Line 1 in its entirety.

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Clark, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 76

Noes: Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Galvin, Hagener, H.S. Hanson, Harrington, Hurdle, Menahan, Quilici, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 22

Excused: Curtiss, M. Hanson.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FIFTH LEGISLATIVE DAY - JANUARY 6, 1995

Representative Menahan moved HB 24, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Cobb, Curtiss, Squires, Wennemar.

Total 5

Voted Absentee: Curtiss, No.

Excused: M. Hanson.

Total 1

Absent or not voting: Ellingson.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved the adoption of the committee report. Report adopted. (92-2)

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker introduced this week's pages:

Heather King, Valier  
Ryan Wagner, Miles City  
Erica Allen, Roberts  
Lacey Taylor, Lincoln  
Kimberly Klepzig, Helena  
Brian Clark, Winston  
Stephen Visocan, Clancy

Honorary Pages

Charlie Lane, Helena  
Mollie Lane, Helena

Permanent Pages

Tasha Marie Felton, Polson  
Timmie Mehrens, Anaconda



HOUSE JOURNAL  
FIFTH LEGISLATIVE DAY - JANUARY 6, 1995

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 7, 1995. Motion carried.

House adjourned at 2:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
SIXTH LEGISLATIVE DAY**

Helena, Montana  
January 7, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative John C. Bohlinger. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ohs, Curtiss, M. Hanson, Hibbard, L. Smith, Simpkins, Taylor, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/7/95  
Correctly printed for second reading: HB 40, HB 56.  
Correctly engrossed for third reading: HB 22, HB 23, HB 24, HB 28, HB 31.

**AGRICULTURE, LIVESTOCK & IRRIGATION** (Barnett, Chairman): 1/7/95

**HB 40**, introduced bill, do pass. Report adopted.

**HB 56**, introduced bill, do pass. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 106**, introduced by Menahan, referred to Committee on State Administration.  
**HB 107**, introduced by DeBruycker, referred to Committee on Agriculture, Livestock & Irrigation.  
**HB 108**, introduced by Cobb, referred to Committee on Judiciary.  
**HB 109**, introduced by Cobb, referred to Committee on Human Services & Aging.  
**HB 110**, introduced by Fisher, referred to Committee on Education & Cultural Resources.  
**HB 111**, introduced by Devaney, referred to Committee on Highways & Transportation.  
**HB 112**, introduced by DeBruycker, referred to Committee on Appropriations.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m. Monday, January 9, 1995. Motion carried.

House adjourned at 8:10 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 9, 1995

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative John Johnson. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Tuss, Elliott, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/9/95

Correctly printed for second reading: HB 38, HB 50.

**TAXATION** (Hibbard, Chairman): 1/9/95

**HB 38**, introduced bill, do pass. Report adopted.

**NATURAL RESOURCES** (Knox, Chairman): 1/9/95

**HB 50**, introduced bill, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/9/95

**SB 20**, introduced by Lynch

**SJR 4**, introduced by Bartlett

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 113**, introduced by Ewer, referred to Committee on Local Government.

**HB 114**, introduced by Ahner, referred to Committee on Business & Labor.

**HB 115**, introduced by Barnhart, referred to Committee on Local Government.

**HB 116**, introduced by Cobb, referred to Committee on Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 20**, introduced by Lynch, referred to Committee on State Administration.

**SJR 4**, introduced by Bartlett, referred to Committee on State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bohlinger in the Chair.



HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 9, 1995

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 47** - Representative Larson moved HB 47 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Brainard, Clark, Harrington, Hurdle, McGee, L. Smith.

Total 6

Voted Absentee: Elliott, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HR 1** - Representative Grinde moved HR 1 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Hurdle, Ryan, Tuss, Wennemar.

Total 4

Voted Absentee: Elliott, Aye; Tuss, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 9, 1995

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Bohlinger moved the adoption of the committee report. Report adopted. (95-2)

**THIRD READING OF BILLS**

**HB 14** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Boharski, Jore, Keenan, Rehbein, Sliter, S. Smith, Somerville, Story, Vick, Wagner, Wennemar.

Total 12

Voted Absentee: Elliott, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 5** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Feland, R. Johnson.

Total 2

Voted Absentee: Elliott, Tuss, Ayes.

Excused: None.

Total 0



HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 9, 1995

Absent or not voting: M. Hanson, Somerville.  
Total 2

**HB 22** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Elliott, Tuss, Ayes.

Excused: None.  
Total 0

Absent or not voting: Feland.  
Total 1

**HB 23** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel.  
Total 1

Voted Absentee: Elliott, Tuss, Ayes.

Excused: None.  
Total 0

Absent or not voting: H.S. Hanson.  
Total 1

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 9, 1995

**HB 24** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cobb, Nelson.

Total 2

Voted Absentee: Elliott, Aye.

Excused: Tuss.

Total 1

Absent or not voting: Masolo.

Total 1

**HB 28** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Barnhart, Boharski, Denny, Fuchs, McGee, Rehbein, Soft.

Total 7

Voted Absentee: Elliott, Tuss, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 31** passed as follows:



HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 9, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 87

Noes: Barnhart, Galvin, Hurdle, McCann, Rehbein, Ryan, Squires, Trexler, Wennemar, Wyatt.  
Total 10

Voted Absentee: Elliott, Aye.

Excused: Tuss.  
Total 1

Absent or not voting: Devaney, Marshall.  
Total 2

**MOTIONS**

Representative Grinde moved HB 37 be taken from the Committee on Appropriations and referred to the Committee on Judiciary. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 82:

Representative Mills, Representative L. Smith, Representative Barnett, Representative Jore, Representative Simpkins, Senator Toews, Representative McGee, Representative Curtiss, Senator Burnett, Representative Orr.

The following sponsors were added to HB 83:

Representative Mills, Representative L. Smith, Representative Barnett, Representative Jore, Representative Simpkins, Senator Toews, Representative McGee, Representative Curtiss, Senator Keating, Senator Burnett, Representative Orr.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, January 10, 1995. Motion carried.

House adjourned at 2:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY**

Helena, Montana  
January 10, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ellen Bergman. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

1/10/95

Correctly printed for second reading: HB 63, HB 67, HB 72, HB 80.

Correctly engrossed for third reading: HB 47.

Correctly enrolled: HR 1.

Signed by the Speaker at 9:40 a.m., January 10, 1995: HR 1.

Delivered to the Secretary of State at time 10:10 a.m., January 10, 1995: HR 1.

**NATURAL RESOURCES** (Knox, Chairman):

1/10/95

**HB 72**, introduced bill, be amended as follows:

1. Page 1, line 15.

Strike: "\$50"

Insert: "\$25"

2. Page 1, line 16.

Following: "operator."

Insert: "The legislature encourages the board to adopt a sliding scale based on actual costs to establish the fees authorized in 82-11-134."

3. Page 1, line 24.

Following: "hole."

Insert: "The board may not require a permit for drilling, redrilling, deepening, or horizontal recompletion of an existing well if that activity deepens or extends a well 200 feet or less. Each drilling permit issued under this section is effective for 12 months after issuance unless terminated for cause by the board."

4. Page 2, line 1.

Strike: "~~\$50~~"

Insert: "\$25"

And, as amended, do pass. Report adopted.

**HB 80**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 82-11-162"



HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 10, 1995

2. Page 1, line 28.

Following: "."

Insert: "The bond must be a performance bond and may not be a penal bond or be penal in nature."

3. Page 2, line 5.

Following: "~~1989~~,"

Insert: "if the well is completed after June 30, 1989,"

4. Page 2, lines 17 through 22.

Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/10/95

**HB 63**, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

1/10/95

**HB 67**, introduced bill, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/10/95

**SB 7**, introduced by Klampe

**SB 16**, introduced by Aklestad

**SB 26**, introduced by Franklin

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 117**, introduced by Anderson, referred to Committee on Judiciary.

**HB 118**, introduced by Devaney, referred to Committee on Business & Labor.

**HB 119**, introduced by Quilici, referred to Committee on State Administration.

**HB 120**, introduced by Shea, referred to Committee on Education & Cultural Resources.

**HB 121**, introduced by Simon, referred to Committee on Human Services & Aging.

**HB 122**, introduced by Raney, referred to Committee on Fish & Game.

**HB 123**, introduced by Jore, referred to Committee on Business & Labor.

**HB 124**, introduced by Kitzenberg, referred to Committee on Appropriations.

**HB 125**, introduced by Kitzenberg, referred to Committee on Education & Cultural Resources.

**HB 126**, introduced by Harper, referred to Committee on Business & Labor.

**HB 127**, introduced by Larson, referred to Committee on Taxation.

**HB 128**, introduced by Larson, referred to Committee on Natural Resources.

**HB 129**, introduced by Raney, referred to Committee on Local Government.

**HB 130**, introduced by Hayne, referred to Committee on Natural Resources.

**HB 131**, introduced by Fuchs, referred to Committee on Judiciary.

**HJR 6**, introduced by Hayne, referred to Committee on Legislative Administration.

HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 10, 1995

The following Senate bills were introduced, read first time, and referred to committee:

**SB 7**, introduced by Klampe, referred to Committee on Judiciary.

**SB 16**, introduced by Aklestad, referred to Committee on Business & Industry.

**SB 26**, introduced by Franklin, referred to Committee on Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harrington in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 40** - Representative Hayne moved HB 40 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Boharski, DeBruycker, Denny, Fisher, Jore, Kasten, Kottel, S. Smith, Tuss.

Total 10

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

Representative Pavlovich assumed the chair at this time.

**HB 56** - Representative Rose moved HB 56 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.



HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 10, 1995

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Larson, Wiseman.

Total 2

**HB 38** - Representative Harrington moved HB 38 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Harrington resumed the chair at this time.

**HB 50** - Representative Brainard moved HB 50, second reading copy, be amended. Representative Ream made a substitute motion that consideration of the bill be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Harrington moved that the Committee of the Whole report be adopted. Report adopted. (99-0)

**THIRD READING OF BILLS**

**HB 47** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner,

HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 10, 1995

Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Brainard, Clark, McGee, L. Smith.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Grady.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Wednesday, January 11, 1995. Motion carried.

House adjourned at 1:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
NINTH LEGISLATIVE DAY**

Helena, Montana  
January 11, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Joe Barnett. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administrations/Bills and Journal, having examined the daily journals for the Fifth, Sixth, Seventh, and Eighth legislative days, find the same to be correct.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/11/95  
Correctly printed for second reading: HB 91, HB 95, HB 30, HB 33, HB 98, HB 43, HB 54, HB 61.  
Correctly engrossed for third reading: HB 38, HB 40, HB 56.

**AGRICULTURE, LIVESTOCK & IRRIGATION** (Barnett, Chairman): 1/10/95  
**HB 95**, introduced bill, do pass. Report adopted.

**APPROPRIATIONS** (Zook, Chairman): 1/11/95  
**HB 43**, introduced bill, do pass. Report adopted.

**BUSINESS & LABOR** (Simon, Chairman): 1/11/95  
**HB 30**, introduced bill, do pass. Report adopted.

**HB 33**, introduced bill, do pass. Report adopted.

**HB 98**, introduced bill, do pass. Report adopted.

**LOCAL GOVERNMENT** (Boharski, Chairman): 1/11/95  
**HB 54**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "ESTABLISHED"

Insert: "SEPARATELY OR JOINTLY"

2. Title, lines 5 and 6.

Following: "SUBDIVISIONS" on line 5

Strike: "ARE" through "COVERAGE" on line 6

Insert: "MAY OBTAIN EXCESS INSURANCE WITHOUT PROCEEDING UNDER THE PROVISIONS OF  
SECTION 33-2-302(2) THROUGH (4) OF THE SURPLUS LINES INSURANCE LAW"

3. Page 1, line 14.

Following: "insurance"

Insert: "separately or jointly"



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

4. Page 1, lines 14 through 16.

Following: "section"

Strike: "are" on line 14 through "coverage" on line 16.

Insert: "may obtain excess coverage from a surplus lines insurer without proceeding under the provisions of 33-2-302(2) through (4)"

And, as amended, do pass. Report adopted.

**HB 61**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/10/95

**HB 91**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "48"

Insert: "72"

2. Page 2, line 8.

Strike: "48"

Insert: "72"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence:

1/10/95

**SJR 1**, introduced by Harp

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 132**, introduced by Menahan, referred to Committee on Education & Cultural Resources.

**HB 133**, introduced by Menahan, referred to Committee on Highways & Transportation.

**HB 134**, introduced by Kadas, referred to Committee on Human Services & Aging.

**HB 135**, introduced by Cobb, referred to Committee on Judiciary.

**HB 136**, introduced by Ellis, referred to Committee on Local Government.

**HB 137**, introduced by Story, referred to Committee on Natural Resources.

**HB 138**, introduced by M. Hanson, referred to Committee on Taxation.

**HB 139**, introduced by R. Johnson, referred to Committee on State Administration.

**HB 140**, introduced by Kadas, referred to Committee on State Administration.

**HB 141**, introduced by Story, referred to Committee on Taxation.

**HB 142**, introduced by Somerville, referred to Committee on Appropriations.

**HB 143**, introduced by Pavlovich, referred to Committee on Taxation.

**HB 144**, introduced by Harrington, referred to Committee on Taxation.

**HB 145**, introduced by Bohlinger, referred to Committee on State Administration.

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

**HJR 7**, introduced by Cobb, referred to Committee on Taxation.

**HJR 8**, introduced by M. Hanson, referred to Committee on Fish & Game.

The following Senate bill was introduced, read first time, and referred to committee:

**SJR 1**, introduced by Harp, referred to Committee on Rules.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grimes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 50** - Representative Brainard moved HB 50, second reading copy, be amended (amendment #1):

1. Page 2, line 11.

Following: "1,000"

Insert: "board feet, where appropriate"

2. Page 2, line 22.

Following: "feet"

Insert: "per 1,000 board feet, where appropriate"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Ellingson, Ellis, Ohs, Schwinden, Tuss.

Total 5

Excused: None.

Total 0

Absent or not voting: Bergsagel.

Total 1

Representative Larson moved HB 50, as amended, do pass. Motion carried as follows:



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Bergsagel.  
Total 1

**HB 63** - Representative Schwinden moved HB 63 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Boharski, Kasten, Keenan.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 67** - Representative Johnson moved HB 67 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan,

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 72** - Representative Devaney moved HB 72 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook.  
Total 83

Noes: Arnott, Bergsagel, Boharski, Brainard, Cobb, DeBruycker, Denny, Grinde, Harper, Jore, Keenan, Martinez, S. Smith, Soft, Vick, Mr. Speaker.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Harrington.  
Total 1

**HB 80** - Representative Feland moved HB 80 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 98

Noes: Fisher, Wyatt.  
Total 2



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grimes moved that the Committee of the Whole report be adopted. Report adopted. (98-0)

**THIRD READING OF BILLS**

**HB 40** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Fisher, Jore, Keenan, Kottel, S. Smith, Tuss, Vick.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Bergman.  
Total 1

**HB 56** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

Excused: None.  
Total 0

Absent or not voting: Holland.  
Total 1

**HB 38** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative Grinde moved HB 112 be changed to reflect Representative Simpkins as chief sponsor. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 6:30 p.m. and that following the Governor's State of the State address, the House adjourn until 1 p.m., Thursday, January 12, 1995. Motion carried.

House recessed at 1:40 p.m.

House reconvened at 6:30 p.m. Mr. Speaker in the chair.

**SPECIAL ORDERS OF THE DAY**

Roll call. All members present.

Representative Grinde moved to skip to order of business #11.

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

Sergeant-at-Arms Meuli escorted the Senate into the House Chamber.

Mr. Speaker introduced President Brown and yielded the Chair to him.

Senator Harp moved the body resolve itself into a joint session for the purpose of receiving the State of the State Address from the Honorable Marc Racicot, Governor of the State of Montana. Motion carried.

Senator Harp moved President Brown be authorized to appoint a committee of four to notify the Governor that the House and Senate are meeting in joint session and ready to receive his State of the State Address. Motion carried.

President Brown appointed Senators Devlin and Eck and Representatives Ahner and Quilici and discharged them to escort the Governor to the House Chamber.

Sergeant-at-Arms Meuli escorted members of the Governor's official party into the House Chamber.

Major Kevin Collins and members of the Montana National Guard posted the colors.

Governor Marc Racicot was escorted to the rostrum by the escort committee.

Father William Greytak gave the Invocation. The Pledge of Allegiance to the Flag followed.

After being presented to the members of both houses by President Brown, Governor Racicot delivered the following address:

**Gov. MARC RACICOT's  
State of the State Address  
to the People of Montana  
Helena, January 11, 1995**

Mr. President. Mr. Speaker. Fellow Montanans.

Thank you. And good evening.

First tonight, I want to thank some people. I want to thank, above all, the people of Montana for affording me the honor and the opportunity of serving in this high office. I remind myself daily of the responsibilities that come with this brief chance to help shape and protect our special corner of God's good earth.

I want to thank, of course, the House of Representatives and Speaker Mercer, and the Senate and President Brown, for the privilege of meeting with you this evening. I need to thank Kryss Kuntz, who is with us here tonight as the first signer of a State of the State message in Montana history.....I just hope I can keep up with her.....

I want also to thank my family down here, all of whom have been willing to sacrifice their well-being as I perform my duties. And especially I want to thank my partner of 24 years, Theresa, for her support and understanding.

I must admit to all of you that it does not seem like 727 days since I stood before you on this same spot for our first State of the State address. Much of importance has transpired since then, perhaps more change--and promise--compacted into a short period of time than ever before in our history.



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

It is, I fear, much too easy for any of us to forget how far Montanans have come together, both in these two short years and throughout our history. Few places have come so far or accomplished so much, while preserving such a unique character.

Our early days were characterized by violence and lawlessness and no schools. Only the strongest could survive back then. The nearest court was in North Dakota. And the only recognized authority came from a holster.

Today, we may enjoy the safest, sanest and most civil state society in the entire nation. In these past 727 days we have traveled thousands and thousands of miles across this state. From Eureka to Ekalaka, we have listened to, talked with, and learned from a multitude of Montanans.

I don't leave our state often. But when I do, it doesn't take the sound or sight of many siren-filled city streets and apartments with bars on the windows to protect the law-abiding, to rekindle a special appreciation within my heart for our Big Sky way of life.

I realize then that in the minds of millions of people around the world, Montana is not just a beautiful place....It is also a coveted way of life. We need to remind ourselves more often that Montana truly is...what America used to be. It was Montana that saved grizzly bears from extinction. Let us do the same for a sane, safe and civil American society.

I was reading some past State of the State messages. If we do not constantly recall where we have been, then we cannot possibly know where we are going--or who we are. And history reminds us how far we've come. On January 4, 1897, exactly 5,097 weeks ago, Governor Robert Smith informed the Legislature that Montana's total budget was \$667,747.03, and \$436,978.12 of that belonged to the General Fund....I trust no one disputes those budget figures.....

We are now and always have been, let's be frank, a very candid people; we can, clearly, agree on that. But while we may sometimes disagree, we are rarely disagreeable. As simple as that sounds, it makes Montana virtually unique in American society.

Montana was born from diversity and forged by adversity. Diversity in geography--from the dry, high plains of the east to the towering green pines of the west. And diversity in population--from the earliest arrival of our native American neighbors to the coming of an ethnic rainbow of nationalities and personalities, each of whom added their unique character, their traits, their hues, their pasties, their bagels and their lefsa.

Without any one of them, our Montana would not be as gloriously diverse as it is today. And we have worked very hard in this Administration to reflect this diversity in nearly 900 appointments to boards and commissions from every county. We have worked hard too to add more gender balance; from the 20 percent level of recent years, we've increased the proportion of women appointed to 41 percent..

Despite the many differences of each of us and each of our ancestors, two things united these diverse peoples--their desire to build a better life here and their toughness. That's an unusual combination--tough dreamers. But I truly believe Montana was made for dreaming. And I know Montanans are a tough breed.

Captain James Williams and all the other Vigilantes had a dream of a safe place to raise a family, to build a future of work worth doing and living a peaceable life free from midnight fears. They started, uncertainly. But they persevered. And now look what we have: one of the lowest crime rates in the nation for the law-abiding to enjoy; and, for those who do not abide by our laws, the nation's longest average stay in prison.

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

Like many other Montanans, my ancestors came to the Montana Territory in the mid-1800's. My grandfather arrived in Libby in 1917 with a dream. He dreamed of becoming a logging camp cook. Like many other Montanans before and since, he succeeded--until the technology of new roads and larger trucks made isolated logging camps obsolete. Then, like many other Montanans, my grandfather lost his job helping to extract our natural resources.

That was, clearly, not the first nor the last time that technology and decisions made outside Montana's borders left victims within its boundaries. But I am here tonight to tell these assembled bodies of the people's representatives and the people assembled with their families in homes across this vast, wonderful state that we--each one of us working together--have already begun the promising process of rebuilding Montana and reclaiming its rightful independence.

This is not July Fourth. But I am here tonight to suggest that we, all of us gathered here together tonight in person and electronically, proclaim a new Day of Independence for Montana. A Day of Independence from old ways, a Day of Independence from old habits, from old limits, from old antagonisms, a Day of Independence from old problems and from old feuds.

Let us each vow tonight quietly in our hearts to shun the tired old games and the worn old labels. Let us stress too, in our hearts and our words, not the small differences that might divide us at times. Instead, let us treasure the immense similarities that unite us. No football team ever gained one yard by stressing the differences of its 11 players. And neither will our state.

Let us harness our unique Montana social spirit, our current economic prosperity and our frustrations with stubborn problems and old ways into a whole long series of exciting, tolerant New Partnerships designed to produce substantive solutions, not political placebos.

Montana and Montanans need no longer be the perennial victims of forces that seem larger than we are. Look what we've done already: The United States Congress is talking about balancing the federal budget early in the next millennium....We've been doing that for years--without any federal mandate, just a good strong dose of Montana common sense....Too bad common sense isn't as contagious as the flu that invaded our house recently.

We Montanans have in the past two years overcome fiscal adversities of historic proportions. We were not crippled by them. We were, I believe, actually energized by them and led to unleash countless new creativities. Yes, it was hard. Yes, it involved tough decisions and value judgments. But here we are today, 727 days after facing a staggering deficit in excess of \$200 million, and through the application of those tough decisions, some imagination and creative collaborations, some plain old hard work, tough management--and, yes, a bit of dreaming, too--here we are today together again doing more with less in state government and confronting a budget surplus of \$25-30 million.

We agreed, the Legislature and Executive branch, to run this government for a set period of time for a set amount of money. Now, more money has come in than expected. I don't believe this is the government's money....I believe this money belongs to the people who earned it, the people of Montana....

So we will ask this Legislature this very week, through Speaker Mercer, who will introduce the measure, to return that money to its rightful owners....I don't care if it's \$10 per taxpayer or \$100....

It's common sense....It's the right thing to do....



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

Nobody produced this prosperity by themselves. We all did it, Montanans together. Yes, we trimmed state government by several hundred jobs, including the Governor's Office. And I salute the efforts of the House and Senate that look to reduce their employee and legislative overhead, not to mention their paper production. All state government must live within its means, just like Montana's families.

But the private sector in Montana is creating one new job every 45 minutes. That's one more of our daughters and sons who can stay in our special state, if they choose, and work and raise a family to live out their own dreams and to help their children learn to dream, too, as large or as small a dream as their supple young minds can envision.

One day last summer when I was on C-SPAN, a woman called in from Elko, Nevada. She and her husband left Montana years ago to find work. She wanted to know if there was any way, any possibility they could come home soon.....

The answer: "Absolutely!" You come home as soon as possible, I said. Montana now has the second fastest-growing state economy in the nation. More Montanans had jobs last year than ever before. The construction industry is strong. So is the service sector and tourism. Even some resource areas have regained strength. A steady stream of new companies contact us about starting or relocating here, including this promising Micron possibility, which the Legislature is addressing with our enthusiastic support. And we are working hard too, to help keep our existing companies here and expanding. To that end, we have developed a new proposal to reform our overloaded personal property tax system for presentation to this Legislature.

Our Administration knows full well that government does not create new jobs; government helps create the economic, social and political climate for people to create jobs. As they say, business needs more orders from customers and fewer from government....

To that end, we--and by that I mean the Legislature as well as our office--dedicated much time these past two years to addressing the myriad emergency needs of a state that had procrastinated in addressing some problems. Two years ago our state was in the fiscal emergency room, bleeding badly.

Here's an example: the State Fund, Workers' Compensation. Two years ago today the Workers' Compensation program was in deep trouble. Workers' Compensation premiums spiraled upward every 90 days. Unfunded liabilities had mushroomed past \$400 million in the Old Fund and past \$44 million in the New Fund, more than one thousand times larger than Governor Smith's entire General Fund a century ago. The State Fund's outlook was bleak in 1993.

Thanks to bipartisan legislative and executive efforts--one could call it a New Partnership--several reforms were enacted. As one result of that teamwork, Montana now has a pioneering system of managed care in place, improving injured workers' health care while holding down costs. Under its new management a businesslike State Fund has worked with employer groups to improve worker safety and reduce costs.

The new Anti-Fraud unit has produced \$2.1 million in direct savings in its first year. Let me pause here to warn any out there who may be contemplating future fraud: We'll get you, too.....

The unfunded liabilities are down--by more than \$53 million in the Old Fund and \$62 million in the New Fund. That's a total turnaround of \$115 million in these past 727 days.....

We are now in the seventh consecutive quarter without a Workers' Compensation premium increase. And for the first time the real possibility of a premium reduction is on the horizon....



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

That's how goodness flows from a New Partnership where no one seeks credit or imposes fear but joins together with good sense and honest purpose to do the right thing.

There is, of course, more to be done. Senate Majority Leader Harp and Senator Benedict will be carrying legislation to further streamline the process and lower costs. The goal of this legislative package is to make our rates and benefits consistent with neighboring states. I believe such reforms and the teamwork that creates them play a direct role in creating a positive economic climate for all of us to benefit.

So does the positive social atmosphere that springs from innovative new programs enacted by the last legislature, programs like the Office of Community Services, coordinating thousands of volunteers, and the Montana Consensus Council, working effectively to intervene in serious confrontations with many negotiations over land use planning, land access and instream flows.

I would include under the heading of innovation the successful completion at the University of Montana of the nation's first collaborative university negotiations. That was definitely a New Partnership involving dedicated representatives from all sides, who--without confrontation and concern for credit--produced a comprehensive collective bargaining agreement benefitting faculty and students by linking salary improvements with teaching, counseling and graduation improvements. It's called performance pay in the private sector.

We have a package of other proposals, some of the most far-reaching proposals I believe in state history. We've spent many months designing these proposals. They are the carefully thought-out products of literally thousands of ideas--and dreams--by hardworking, conscientious Montanans who simply want to make this state a better place.

Yet, like the state employee salary agreement, all of these programs are financed through savings and existing revenues. There are no new taxes in our budget.....In fact, the pre-session state employee salary agreement, the first of its kind in our history, utilizes presently allocated personnel resources to pay salaries to a smaller state work force. Not one additional penny of personnel benefits will be used to pay state employees closer to what they would earn in the private marketplace--Another New Partnership.

Our budget is an austere document that recognizes a budget is like the clothes you find in the back of your closet from last winter. When you put them on, there's usually not enough room in them for everything.....There are some spending increases--due to statutory requirements and formulas. No discretion there.

The inevitable by-products of prosperity are more pupils, patients and prisoners. We have more children in our schools, for instance. State law requires state support for each of them. There's no discretion there either.

We are confining prisoners at a record pace in Montana. We now have close to 1,300 prisoners in a prison built for 850. Montana's aggressive criminal justice system and law enforcement community have produced one of the lowest crime rates in the nation.

But there are costs associated with that assurance of safety. I would suggest that Montanans expect and demand that level of security be maintained and enhanced.

I am anxious for you to carefully and thoughtfully examine our budget. It is built upon what the law presently requires to be provided. If the law is changed to eliminate programs, the budget can be reduced and our Administration stands ready to assist in making those decisions, if necessary.

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

To all who review our performance and analyze our ideas, let me confirm our desire to be scrutinized. The vitality of our democracy depends upon informed debate.

Now, an update on welfare reform: You may recall we submitted to the Federal government 11 months ago requests for 72 waivers to implement our unique welfare reform plan, one of the nation's most far-reaching welfare reform plans.

The mail--or something--seems to take an inordinately long time in Washington...But we now have preliminary approval on more than 60 of our waiver requests and with your approval we anticipate beginning formal implementation of this most comprehensive reform plan next winter. We firmly believe that our approach, designed at the grassroots level, is the best. It offers hope, help, work and dignity, rather than a check, dependence and despair.

As you know, we've had our differences with the Federal government and how it treats the states--over water, welfare reform, and bison, to name a few. We have held and will continue to hold that Montana claims sovereignty under the Tenth Amendment over all powers not specifically granted to the federal government.

Whether the failure of the federal government to respect states' rights takes the form of unfunded mandates or usurping control over other matters within the discretion of local governments, we have been and will remain constantly and aggressively involved in trying to constrain the inappropriate reach of the Congress into Montana and the lives of Montanans.

With those continuing struggles fresh in mind and in the firm belief that the best government is local government, we want to announce here tonight that we will be seeking legislative approval of an amendment to the Montana Constitution prohibiting state government from imposing unfunded mandates on local governments across our state.

If we won't tolerate unfunded orders being handed down from Washington, I reckon out in Broadus, Scobey, Troy and Wisdom, they don't much like them coming out of Helena either. Fair is fair. Let's clean that up, too...

One year ago we appointed the Governor's Task Force to Renew Montana Government. Its assignment was to intrusively examine all levels of government, recommending what to change and what to keep. After many thousands of hours of dedicated--and unpaid--work, this panel and its subcommittees produced a series of recommendations, most of which our Administration has endorsed.

These recommendations include merging departments, clarifying functions, eliminating others and generally streamlining administrative structures to produce more and better services to the customers of government.

The changes we recommend in the education governance structure are perhaps the most sweeping in our history--perhaps they seem too sweeping in some quarters. Montana already spends more per pupil than eight of the 12 Western states. And it is our resolute belief that we must provide a seamless system of education services at the state level that are responsive and efficient, while allowing control of our schools to reside with parents and communities.

I expect these proposals to ignite spirited discussion. That's as it should be. That's the way good ideas become better ones.

But let no one dispute that the goal of these recommendations--indeed, the goal of our entire



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

Administration--is to produce a government of minimum size and maximum efficiency. We want to deliver the most efficient government services to our customers for the least cost to government's owners.

We claim no patent on perfect proposals. We vow here tonight to remain open to improvements, to listen, to explain, and to work with anyone to make the programs the best they can be, as we have for these 727 days. Montana deserves no less. By combining our good faith, and maybe even our dreams, I believe we can make extraordinary progress solving our problems and finally seizing control of our own destiny, instead of accepting our fate.

To that end, we will be making an interesting suggestion in the near future for the state to encourage the development in Montana of endowed philanthropies. This stems from November conversations with a few dozen people at our house and from the belief that while we cannot now know what the future will deliver to and demand from our children and communities, we can start now to endow community funds to help ensure a more secure future. More on that subject in coming days.

Two main themes run throughout our proposals: work and family. John Muir, an early and perceptive observer of American wildlife, once said, "When you try to pick anything out of the universe, you find it hitched to everything else." That's the way it is in our legislative package with work and family.

Our philosophy stems from one very simple belief: Functioning families are essential to a decent life and a decent society....

That's it. Real simple. Families are the most important unit in our society. Families are the most efficient form of government in our society. Families can be the strongest unit in our society.

Maybe families are not the most democratic institutions. At least they weren't in my mother's and father's household.....I and my six brothers and sister did not get to vote on anything of significance.....But those two parents--and my mother is here this evening--were the most efficient, inspiring and creative set of teachers I ever encountered. They taught a life routine, yes, but also a network of values from tolerance and openness to the responsibilities each of us had, including cleaning the bathroom.

Many of you were raised in similar surroundings. Sadly, in recent times many of our nation's families have not functioned well--or at all. And we can see on the nightly news the awful price this land pays for that in terms of social decay. I think that is in part because some sectors of our society have forgotten that, given food and water, anything can grow up. But it takes a functioning family to raise children. There is a big difference.

As a result, many of our programs this session have the goal of helping malfunctioning families in our midst, and of staying out of the way of the others.

As the temporary steward of this office, I talk with and hear from many Montanans. I got a letter the other day from Judy McFarlane in Willow Creek. "I am discouraged," she wrote. She and her husband shared their hard-pressed family budget with me. They, like many others, are feeling the pressures of rising costs and burdensome taxes. "We cannot survive under the present tax system," she said. Government must respond.

That's one reason our Administration has worked so hard to produce significant tax reform for our state. So far, the voters and members of this Legislature have not seen fit to endorse our tax reform proposals. But I can assure Mrs. McFarlane, and all of you, that we will continue searching with the members of these bodies for the correct combination to produce the necessary relief for these families. We'll present these new proposals to you soon.



HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

Our budget also addresses the needs of some unfortunate Montanans without functioning families. The foster care caseload of the Department of Family Services has exploded in recent years. As one result, far too many children remain in foster care far too long. We want to restore them to their birth families when appropriate or move them efficiently into adoption by loving families who will provide the nurturing of a permanent home. So we seek additional caseworkers, again from within existing revenues.

Families cannot survive financially without jobs and we cannot have jobs without economic development. That's one reason we're working so hard to improve our Workers' Compensation program. That's also why we will be proposing a series of economic development proposals that not only fuel growth today but also spawn the products and companies--and the jobs--for tomorrow.

There are, in my mind, no greater challenges than those associated with environmental regulation. We are all a part of this creation and we must be able to live, to grow and to prosper. But we are also stewards who share a longing to care for our land, our air and our water. Working to achieve that equilibrium will never stop. We learn new lessons every day through constantly emerging technologies and understandings of the past's mistakes. This Administration is committed to preserving that balance, learning from our errors and living up to the expectations of those we serve.

Strong economic development is impossible without an equally strong infrastructure. Maintaining our state's physical infrastructure is one of those areas we have let slide in recent years. Time and Montana's natural elements are not kind to poorly maintained structures, especially after more than a century of statehood. That's why we will be proposing the Renew Montana Program, the largest state repair project in our history.

This program, however, is not--I repeat, NOT--a building program....It is a RE-building program that would invest \$132 million, with another \$61 million coming from federal sources. Repairing now is actually cheaper than continually patching. And repairs of this venerable old Capitol Building can wait no longer, as the peeling paint, crumbling facing and exposed wiring reveal not far from this podium. The same is true for several high-hazard state-owned dams, as well as the veterans' home's decaying roof.

Along these lines, our Department of Transportation continues aggressive improvements on high-priority roads like US 93, US 2 and Montana 200. Thanks to more efficient collection of revenues owed, the wholly state-funded program envisions \$30 million in construction in the biennium's first year and \$35 million in the second as investments in Montana's economic future.

Now, in our social infrastructure there remain and always have been those of all ages who violate our laws. Despite frustrations, we can no longer deal with criminals quite the same as the Vigilantes dealt with Henry Plummer and the Innocents. Although the ultimate sanction of capital punishment remains an integral part of our criminal justice system, today corrections policies require more than a length of rope. They involve an array of strategies for dealing with anti-social behavior.

Montana enjoys one of the nation's lowest crime rates. But we must never become complacent. Our array of services works well; in its first 18 months, for instance, the Swan River Correctional Boot Camp has seen return to the state prison only four out of 74 graduates. Still, we need some corrections adjustments.

A key proposal will be a Truth-In-Sentencing bill. Currently, our state courts, like those in many states, employ a most Byzantine system of calculating prison sentences, good time and parole. This confusing system can be baffling to professionals, let alone citizens and unfortunate victims who, in my opinion, have an absolute right to know exactly how long convicted criminals will serve for their anti-social behaviors.

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

For a criminal justice system to work there must be comprehensive accountability: the criminals must know that anti-social behavior is going to have punishment consequences. And the law-abiding must also have the confidence that offenders will pay for their crimes, as surely as their victims have suffered....

So, our proposal will essentially junk the bewildering old system that let some convicts out again, having served little more than 10 percent of their sentence. And our proposal will include creation of a Sentencing Commission that will--for the first time--allow for public participation in designing voluntary sentencing guidelines for our judges to use....

The Montana State Prison at Deer Lodge is over-crowded. If we are going to lock up more criminals, we're going to need more space. We are developing another cooperative New Partnership, this one among counties and the state. The state will help underwrite the building of regional prisons by the counties. The state will pay a fee to use one wing. This saves operating and construction monies while not creating more massive penitentiaries. They are not only expensive to build and run but present greater management and handling problems for corrections officials.

Such a New Partnership is in place with Cascade County. And we are discussing others in Glendive, Billings and Missoula.

We will also be introducing legislation to allow for the summary expulsion of any student who brings a firearm to school. Weapons have no place in places of learning. We need no more schoolyard tragedies.....

Clearly, we have an ambitious agenda for your consideration. One problem confronting Montanans--and Americans--is health care reform. We want solutions tailored by and for Montanans. At your direction our health care system has been thoroughly and thoughtfully examined since 1993.

That inquiry produced invaluable information that has refined our collective judgments and provided incisive direction for reforms. You will receive several pieces of legislation designed to rely upon market forces and incremental steps to drive down, and hold down, our health care costs.

This will not be the last time we confront this issue. It is very complex, a serious challenge that must be carefully and sequentially addressed to ensure that change does not diminish quality.....

Finally, a few words--in all Montana candor--about partisanship. Unfortunately, some observers have come to associate the biennial gathering of government in this building with political posturing, empty rhetoric and blind partisanship.

I believe this impression detracts from and overlooks the countless good works of the dedicated women and men in these two bodies. Let us each vow now not to feed that inaccurate impression. Let us vow now to act as if everyone in this special state, our friends and our neighbors, are watching....Because they are.

Many of you are Republicans, because your parents were Republicans. Many of you are Democrats...because your parents were Republicans....

But more important than our political affiliations, my father and mother and family, and all of you and your families are, first and foremost, Montanans. Let's build on that, together. Let us bring a surplus of good will to this building in coming weeks...Let us judge each other not by what others say...but by what we each do. Let there be no winners and losers, just fellow Montanans working to produce a better Montana for the next millennium.

HOUSE JOURNAL  
NINTH LEGISLATIVE DAY - JANUARY 11, 1995

In short, let the common thread of Montana citizenship serve to bind us together in productive partnership, not political partisanship. If we rely upon yesterday's approach, we will never seize tomorrow's promise.

I am excited by the possibilities ahead in these next three months of opportunity, and the ones to follow. There is much of importance to accomplish. May God bless us all in these endeavors for the future of our children...and for our Montana.

Thank you. And good night.

Governor Racicot was escorted from the House Chamber by the escort committee.

Sergeants-at-Arms Meuli and Cramer escorted the distinguished guests from the House Chamber.

Senator Harp moved the joint session of the 54th Legislature be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

House adjourned at 8:00 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
TENTH LEGISLATIVE DAY**

Helena, Montana  
January 12, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Page Rachel Wahl. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives J. Johnson, Forbes, Knox, Ellingson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/12/95  
Correctly printed for second reading: HB 36, HB 48, HB 97, HB 102, HB 114, HJR 4.  
Correctly engrossed for third reading: HB 63, HB 67, HB 72, HB 80.  
Correctly enrolled: HB 1.

**BUSINESS & LABOR** (Simon, Chairman): 1/12/95  
**HB 114**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "EMERGENCY;"

Strike: "AND"

2. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 23.

Following: "service."

Insert: "However, during the period of service, the person may or may not accrue vacation leave or other benefits offered by the employer, at the option of the employer."

4. Page 1, line 25.

Strike: "an"

Insert: "a public"

5. Page 1, line 27.

Following: "service."

Insert: "Nothing in this subsection may be construed to prevent an employee from voluntarily using accrued vacation leave or other already earned benefits during the leave of absence."

6. Page 1, following line 29.

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HIGHWAYS & TRANSPORTATION** (Anderson, Chairman): 1/11/95  
**HB 48**, introduced bill, do pass. Report adopted.

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 12, 1995

**HB 97**, introduced bill, do pass. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):

1/11/95

**HB 36**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "DEPENDENCY"

Insert: "TREATMENT"

2. Page 1, line 22.

Following: "dependency"

Insert: "treatment"

3. Page 2, line 12.

Following: "dependency"

Insert: "treatment"

4. Page 2, line 27.

Following: "dependency"

Insert: "treatment"

And, as amended, do pass. Report adopted.

**HJR 4**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "MONTANA"

Insert: ", OR AN EXPANSION OF THE VETERANS ADMINISTRATION COMMUNITY NURSING HOME PROGRAM"

2. Page 1, line 27.

Following: "WHEREAS,"

Strike: the remainder of line 27 and all of line 28

Insert: "a recommendation should be made to Montana's Congressional Delegation and to the Department of Veterans Affairs concerning the location of any future federal nursing home facility; and

WHEREAS, the Department of Veterans Affairs also provides nursing home services through a community nursing home program in which veterans are entitled to nursing home services in local private nursing homes through contracts with the Veterans Administration; and

WHEREAS, the community nursing home program normally provides permanent nursing care for veterans with service-connected disabilities and 6 months of care for veterans with nonservice-connected disabilities; and

WHEREAS, because of budget constraints, the Department of Veterans Affairs now provides only 1 month of care for veterans with nonservice-connected disabilities"

3. Page 2.

Following: line 5

Insert: "BE IT FURTHER RESOLVED, that the Governor be urged to appoint a nonpartisan committee of five individuals to study the issue of the future location of any Department of Veterans Affairs nursing home facility and to make a recommendation to Montana's Congressional Delegation and to the Department of



HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 12, 1995

Veterans Affairs concerning the location of any future facility.

BE IT FURTHER RESOLVED, that the Montana Congressional Delegation be urged to press for full funding of contract nursing home services for Montana veterans entitled to contract nursing home services.

BE IT FURTHER RESOLVED, that the Montana Congressional Delegation urge the expansion of the community nursing home program to allow Montana veterans to be served in their local communities and as a cost-effective alternative to the immediate construction of additional federal veterans' nursing homes."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/12/95

**HB 102**, introduced bill, do pass. Report adopted.

**SJR 4**, introduced bill, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House:

1/12/95

**HB 1**, introduced by Zook

Senate bills passed and transmitted to the House for concurrence:

1/10/95

**SB 1**, introduced by Gage

**SB 10**, introduced by Gage

**SB 29**, introduced by Bartlett

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 146**, introduced by McGee, referred to Committee on Highways & Transportation.

**HB 147**, introduced by McGee, referred to Committee on Business & Labor.

**HB 148**, introduced by McGee, referred to Committee on Business & Labor.

**HB 149**, introduced by Mercer, referred to Committee on Taxation.

**HB 150**, introduced by Ahner, referred to Committee on Judiciary.

**HB 151**, introduced by Peck, referred to Committee on Education & Cultural Resources.

**HB 152**, introduced by Cocchiarella, referred to Committee on Business & Labor.

**HB 153**, introduced by L. Smith, referred to Committee on Human Services & Aging.

**HB 154**, introduced by Kasten, referred to Committee on Local Government.

**HB 155**, introduced by L. Smith, referred to Committee on Select Health Care.

**HB 156**, introduced by Cobb, referred to Committee on Taxation.

**HB 157**, introduced by Denny, referred to Committee on Judiciary.

**HB 158**, introduced by Fuchs, referred to Committee on Judiciary.

**HB 159**, introduced by Trexler, referred to Committee on Local Government.

**HB 160**, introduced by Curtiss, referred to Committee on Judiciary.

**HB 161**, introduced by Curtiss, referred to Committee on Judiciary.

**HB 162**, introduced by Taylor, referred to Committee on Natural Resources.

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 12, 1995

**HB 163**, introduced by Kasten, referred to Committee on Business and Labor.  
**HB 164**, introduced by Harper, referred to Committee on Taxation.  
**HB 165**, introduced by Story, referred to Committee on Local Government.  
**HB 166**, introduced by McGee, referred to Committee on Local Government.  
**HB 167**, introduced by Shea, referred to Committee on Education & Cultural Resources.  
**HB 168**, introduced by Orr, referred to Committee on State Administration.  
**HB 169**, introduced by Orr, referred to Committee on Human Services & Aging.  
**HB 170**, introduced by Rose, referred to Committee on Agriculture, Livestock & Irrigation.  
**HB 171**, introduced by Mercer, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 1**, introduced by Gage, referred to Committee on Judiciary.  
**SB 10**, introduced by Gage, referred to Committee on Judiciary.  
**SB 29**, introduced by Bartlett, referred to Committee on Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wagner in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 30** - Representative Harper moved HB 30 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Arnott, Bergman, Boharski, Cobb, DeBruycker, Denny, Fisher, Fuchs, Green, Hayne, R. Johnson, Kasten, McGee, Nelson, Rehbein, Simpkins, S. Smith, Soft, Somerville, Story, Trexler, Vick, Wells.

Total 23

Voted Absentee: Ellingson, Forbes, J. Johnson, Knox, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 12, 1995

**HB 33** - Representative Tuss moved HB 33, second reading copy, be amended as follows (amendment #1):

1. Page 2, following line 6.

Insert: "(3) An administrative fine imposed by the board and collected by the department under subsection (2) must be paid into the general fund."

Renumber: subsequent subsection

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergman, Bergsagel, Boharski, Denny, Kasten, Keenan, McKee, Sliter, S. Smith.

Total 9

Voted Absentee: J. Johnson, Aye.

Excused: Forbes, Knox.

Total 2

Absent or not voting: Ellingson, Grady, Jore.

Total 3

Representative Schwinden moved HB 33, as amended, do pass. Motion failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Fuchs, Galvin, Grimes, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Sliter, Squires, Swanson, Tropila, Tuss, Wells, Wennemar, Wyatt.

Total 47

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Feland, Fisher, Forbes, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Martinez, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wiseman, Zook, Mr. Speaker.

Total 53

Voted Absentee: Ellingson, J. Johnson, Ayes; Forbes, Knox, Simon, Noes.



HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 12, 1995

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 43** - Representative Tash moved HB 43 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Shea, Simpkins, L. Smith, Soft, Story, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wells, Wiseman, Mr. Speaker.

Total 70

Noes: Barnett, Bergsagel, Boharski, Brainard, Cobb, Denny, Fisher, Green, Hurdle, Keenan, Kottel, McCann, Peck, Ream, Ryan, Schwinden, Sliter, S. Smith, Somerville, Squires, Stovall, Tuss, Vick, Wennemar, Wyatt, Zook.

Total 26

Voted Absentee: Ellingson, Forbes, J. Johnson, Knox, Ayes.

Excused: None.

Total 0

Absent or not voting: Jore, Kadas, Molnar, Simon.

Total 4

**HB 95** - Representative Ohs moved HB 95 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Fisher, Keenan, Kottel.

Total 4

Voted Absentee: Ellingson, Forbes, J. Johnson, Knox, Ayes.

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 12, 1995

Excused: None.

Total 0

Absent or not voting: Molnar, Simon.

Total 2

**HB 98** - Representative Pavlovich moved HB 98 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Ellingson, Forbes, J. Johnson, Knox, Ayes.

Excused: None.

Total 0

Absent or not voting: Molnar, Simon.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wagner moved that the Committee of the Whole report be adopted. Report adopted. (87-6)

**THIRD READING OF BILLS**

**HB 67** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 12, 1995

Noes: None.  
Total 0

Voted Absentee: Ellingson, Forbes, J. Johnson, Ayes.

Excused: Knox.  
Total 1

Absent or not voting: Simon.  
Total 1

**HB 72** passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Sliter, L. Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook.  
Total 80

Noes: Anderson, Arnott, Boharski, Brainard, Cobb, DeBruycker, Denny, Green, Jore, Keenan, S. Smith, Soft, Somerville, Vick, Mr. Speaker.  
Total 15

Voted Absentee: Ellingson, Forbes, J. Johnson, Ayes.

Excused: Knox.  
Total 1

Absent or not voting: Heavy Runner, Molnar, Simon, Simpkins.  
Total 4

**HB 80** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Cobb, Fisher, Harper, Peck, Raney.  
Total 5



HOUSE JOURNAL  
TENTH LEGISLATIVE DAY - JANUARY 12, 1995

Voted Absentee: Ellingson, Forbes, J. Johnson, Ayes.

Excused: Knox.

Total 1

Absent or not voting: Elliott, Feland, Simon, Simpkins, Somerville.

Total 5

**MOTIONS**

Representative Grinde moved that the rules be suspended and that HB 50 be taken from Third reading and placed back on Second reading for the purpose of Amendment. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 124: Senator Toews.

The following sponsors were added to HB 125: Representative J. Johnson.

The following sponsors were added to HB 161: Representative Shea, Representative Harper, Representative Wyatt, Representative McCulloch, Representative Larson, Representative Hurdle, Representative Hagener, Representative Ream, Representative Galvin, Representative Schwinden, Representative Tuss, Representative Harrington, Representative Cocchiarella, Representative Squires, Representative Heavy Runner, Representative Swanson.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, January 13, 1995. Motion carried.

House adjourned at 2:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 13, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Page Rachel Forbes. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Boharski, Forbes, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

1/13/95

Correctly printed for second reading: HB 75, HB 119, HB 26, HB 108, HJR 6.

Correctly engrossed for third reading: HB 30, HB 43, HB 95, HB 98.

Examined by the sponsor and found to be correct:

HB 1 - Zook

Signed by the Speaker at 3:00 p.m., January 12, 1995: HB 1.

Signed by the office of the Secretary of the Senate at 3:15 p.m., January 12, 1995: HB 1.

Delivered to the Governor for his approval at 3:40 p.m., January 12, 1995: HB 1.

**JUDICIARY (Clark, Chairman):**

1/12/95

**HB 26**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "REQUIRING"

Insert: ", AT THE REQUEST OF A PARTY,"

2. Page 1, line 17.

Following: "disagreement."

Insert: "Each party must be informed by the panel of the right to nonbinding mediation under 27-6-606."

3. Page 1, line 26.

Following: "shall"

Insert: ", at the request of a party,"

And, as amended, do pass. Report adopted.

**HB 108**, introduced bill, do pass. Report adopted.

**LEGISLATIVE ADMINISTRATION (Hayne, Chairman):**

1/12/95

**HJR 6**, introduced bill, be amended as follows:

1. Page 4, line 2.

Following: line 1

Insert: "Bills Coordinator"

2. Page 4, line 9.

Strike: "Bills Coordinator"



HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):  
HB 75, introduced bill, be amended as follows:

1/12/95

1. Page 1, lines 16 through 21.  
Strike: "In" on line 16 through "regulations." on line 21

2. Page 1, line 27.  
Following: "oil"  
Strike: "that is not hazardous"

3. Page 2, lines 2, 3, and 5.  
Following: "oil"  
Strike: "that is not hazardous"

4. Page 5, line 6.  
Following: "oil"  
Strike: "that is not hazardous"

5. Page 6, line 13.  
Following: "require"  
Insert: "hazardous waste"  
Following: "and"  
Insert: "hazardous waste management"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):  
HB 119, introduced bill, do pass. Report adopted.

1/13/95

Mr. Speaker introduced this week's pages:  
Heather Johnson, Elliston  
Mandy Hane, Seeley Lake  
Rachel Wahl, Cut Bank  
Ben Wagner, Missoula  
Kristina Acevedo, Ronan  
Bethany McKibben, Fortine  
Gennifer Hane, Seeley Lake  
Laura Knutsen, Trego  
Andy Hauer, Polson (permanent page)  
Kristi Graham, Missoula (permanent page)

Honorary Pages

Charlie Lane, Helena  
Mollie Lane, Helena  
Rachel Helvik, Helena

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/1/395

**SB 14**, introduced by Gage  
**SB 45**, introduced by Beck  
**SB 54**, introduced by Eck  
**SB 57**, introduced by Mesaros

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 172**, introduced by Raney, referred to Committee on Appropriations.  
**HB 173**, introduced by Ewer, referred to Committee on Judiciary.  
**HB 174**, introduced by Hagener, referred to Committee on Judiciary.  
**HB 175**, introduced by Hagener, referred to Committee on Judiciary.  
**HB 176**, introduced by Hagener, referred to Committee on Judiciary.  
**HB 177**, introduced by Kottel, referred to Committee on Judiciary.  
**HB 178**, introduced by Ewer, referred to Committee on State Administration.  
**HB 179**, introduced by Feland, referred to Committee on Judiciary.  
**HB 180**, introduced by Clark, referred to Committee on Highways & Transportation.  
**HB 181**, introduced by Cobb, referred to Committee on Taxation.  
**HB 182**, introduced by Cobb, referred to Committee on Taxation.  
**HB 183**, introduced by Cobb, referred to Committee on Taxation.  
**HB 184**, introduced by DeBruycker, referred to Committee on Human Services & Aging.  
**HB 185**, introduced by Bergsagel, referred to Committee on Local Government.  
**HB 186**, introduced by Martinez, referred to Committee on Judiciary.  
**HB 187**, introduced by Menahan, referred to Committee on Human Services & Aging.  
**HB 188**, introduced by Wiseman, referred to Committee on Taxation.  
**HB 189**, introduced by Bergsagel, referred to Committee on Appropriations.  
**HB 190**, introduced by Denny, referred to Committee on Human Services & Aging.  
**HB 191**, introduced by Masolo, referred to Committee on Judiciary.  
**HB 192**, introduced by Harper, referred to Committee on Natural Resources.  
**HB 193**, introduced by Larson, referred to Committee on Business & Labor.  
**HJR 9**, introduced by Harrington, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 14**, introduced by Gage, referred to Committee on State Administration.  
**SB 45**, introduced by Beck, referred to Committee on Taxation.  
**SB 54**, introduced by Eck, referred to Committee on Taxation.  
**SB 57**, introduced by Mesaros, referred to Committee on Taxation.

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cocchiarella in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 36** - Representative Shea moved HB 36 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Feland, Rehbein, Trexler.

Total 4

Voted Absentee: Boharski, Aye.

Excused: Forbes.

Total 1

Absent or not voting: Kasten, Martinez.

Total 2

**HB 48** - Representative Larson moved HB 48 do pass. Motion carried as follows:

Ayes: Anderson, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ewer, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Nelson, Ohs, Pavlovich, Peck, Raney, Ream, Ryan, Schwinden, Shea, Simon, Somerville, Squires, Swanson, Tash, Tuss, Wennemar, Wyatt.

Total 49

Noes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Ellis, Feland, Fisher, Fuchs, Green, Grinde, Hayne, Herron, Holland, Jore, Kasten, Keenan, Kitzenberg, Marshall, McGee, Molnar, Murdock, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 46

Voted Absentee: Boharski, No.



HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

Excused: Forbes.

Total 1

Absent or not voting: Harrington, Martinez, Quilici, Tropila.

Total 4

**HB 54** - Representative Nelson moved HB 54 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Cobb, Curtiss, DeBruycker, Feland, Grinde, L. Smith, Wagner, Wyatt.

Total 9

Voted Absentee: Boharski, Aye.

Excused: Forbes.

Total 1

Absent or not voting: Martinez.

Total 1

**HB 61** - Representative Nelson moved HB 61 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Boharski, Aye.

Excused: Forbes.

Total 1

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

Absent or not voting: Bergsagel, Martinez.

Total 2

**HB 91** - Representative M. Hanson moved HB 91 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Fisher, Galvin, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, Jore, Kasten, Kitzenberg, Knox, Larson, Marshall, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Wells, Wiseman, Zook.

Total 54

Noes: Anderson, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Feland, Fuchs, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kottel, McCann, McCulloch, McKee, Menahan, Peck, Raney, Ream, Rose, Ryan, Schwinden, Soft, Squires, Swanson, Tropila, Tuss, Vick, Wagner, Wennemar, Wyatt, Mr. Speaker.

Total 44

Voted Absentee: Boharski, Aye.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: None.

Total 0

**HB 97** - Representative Menahan moved HB 97 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Boharski, Aye.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: Murdock.

Total 1

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

**HB 102** - Representative Rose moved HB 102 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Peck, Schwinden, Somerville, Story.

Total 4

Voted Absentee: Boharski, Aye.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: Barnhart.

Total 1

**HJR 4** - Representative Pavlovich moved HJR 4 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Anderson, Arnott, Cobb, DeBruycker, Fisher, Grinde, R. Johnson, Jore, Kasten, Rehbein, Sliter, Story, Vick.

Total 13

Voted Absentee: Boharski, Aye.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: Bergsagel, Masolo.

Total 2

**SJR 4** - Representative McCulloch moved SJR 4 do pass. Motion carried as follows:



HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

Ayes: Ahner, Arnott, Barnett, Barnhart, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Galvin, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Anderson, Bergman, Bergsagel, Boharski, DeBruycker, Denny, Fuchs, Grady, Green, Grinde, M. Hanson, R. Johnson, Jore, Keenan, Molnar, Murdock, Rehbein, Sliter, Somerville, Story, Taylor, Vick, Wagner.

Total 23

Voted Absentee: ; Boharski, No.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: S. Smith.

Total 1

**HB 50** - Representative Brainard moved HB 50, second reading copy, be amended as follows (amendment #1):

1. Strip the Committee of the Whole Report Amendment for House Bill 50 passed January 11, 1995.

2. Title, lines 10 through 12.

Following: "; " on line 10

Strike: "REVISING" on line 10 through "BASIS;" on line 12

3. Page 2, line 11.

Following: "1,000"

Insert: "board"

Following: "feet"

Insert: ", when appropriate,"

4. Page 2, line 22.

Following: "feet"

Insert: "per 1,000 board feet, when appropriate,"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

Total 92

Noes: Harper, Schwinden, Tuss.

Total 3

Excused: Boharski, Forbes, Martinez.

Total 3

Absent or not voting: Elliott, Tropila.

Total 2

Representative Larson moved HB 50, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Boharski, Aye.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Cocchiarella moved that the Committee of the Whole report be adopted. Report adopted. (88-7)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 30** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas,

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 76

Noes: Arnott, Boharski, Cobb, DeBruycker, Denny, Fisher, Green, Hayne, R. Johnson, Jore, Kasten, McGee, Molnar, Rehbein, Simpkins, S. Smith, Soft, Somerville, Story, Vick, Wells.

Total 21

Voted Absentee: Heavy Runner, Aye; Boharski, No.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: Zook.

Total 1

**HB 43** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, L. Smith, Soft, Story, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wells, Wiseman, Mr. Speaker.

Total 75

Noes: Barnett, Bergsagel, Boharski, Cobb, Denny, Fisher, Green, J. Johnson, Jore, Keenan, Kottel, Peck, Schwinden, Sliter, S. Smith, Somerville, Squires, Stovall, Tuss, Vick, Wennemar, Wyatt, Zook.

Total 23

Voted Absentee: Heavy Runner, Aye; Boharski, No.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: None.

Total 0

**HB 95** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck,



HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Fisher, Hurdle, Keenan, Kottel.

Total 5

Voted Absentee: Boharski, Heavy Runner, Ayes.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: None.

Total 0

**HB 98** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Boharski, Heavy Runner, Ayes.

Excused: Forbes, Martinez.

Total 2

Absent or not voting: None.

Total 0

**MOTIONS**

**HB 168** - Representative Simpkins moved HB 168 be taken from the Committee on State Administration and rereferred to the Committee on Business & Labor. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 13, 1995

Representative Grinde moved the House adjourn until 8:15 a.m., Saturday, January 14, 1995. Motion carried.

House adjourned at 2:00 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY**

Helena, Montana  
January 14, 1995

House Chambers  
State Capitol

House convened at 8:15 a.m. Mr. Speaker in the Chair. Invocation by Representative Thomas E. Nelson. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Boharski, Forbes, Fuchs, Galvin, Green, Holland, Knox, Larson, McCann, McGee, Molnar, Orr, Ryan, Simpkins, L. Smith, Story, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the Ninth and Tenth legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 1/14/95

Correctly printed for second reading: HB 73, HB 83, HB 94, HB 107.

Correctly engrossed for third reading: HB 50, HB 36, HB 48, HB 54, HB 61, HB 91, HB 97, HB 102, HJR 4.

AGRICULTURE, LIVESTOCK & IRRIGATION (Barnett, Chairman): 1/12/95

**HB 107**, introduced bill, do pass. Report adopted.

FISH & GAME (Wagner, Chairman): 1/12/95

**HB 94**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "ESTABLISHED"

Insert: "AND OPERATED"

2. Page 1, line 19.

Following: "established"

Insert: "and operated"

And, as amended, do pass. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman): 1/13/95

**HB 73**, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman): 1/12/95

**HB 83**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "LAW;"

Insert: "AND"



HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 14, 1995

2. Title, line 5.

Strike: "; AND REPEALING SECTION 45-8-203, MCA"

3. Page 3, line 19.

Strike: section 2 of the bill in its entirety

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/14/95

**SJR 2**, introduced by Halligan  
**SB 3**, introduced by Keating  
**SB 4**, introduced by Weldon  
**SB 6**, introduced by Crippen  
**SB 25**, introduced by Jergeson  
**SB 33**, introduced by Keating  
**SB 44**, introduced by Beck  
**SB 58**, introduced by Forrester

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

January 13, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 1 sponsored by Representative Zook on January 13, 1995.

Sincerely,

Marc Racicot  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 194**, introduced by Bergman, referred to Committee on Highways & Transportation.  
**HB 195**, introduced by Swanson, referred to Committee on Fish & Game.  
**HB 196**, introduced by Swanson, referred to Committee on Fish & Game.  
**HB 197**, introduced by Ewer, referred to Committee on Appropriations.  
**HB 198**, introduced by Ahner, referred to Committee on Judiciary.  
**HB 199**, introduced by Elliott, referred to Committee on Taxation.  
**HB 200**, introduced by Bergman, referred to Committee on Business & Labor.  
**HB 201**, introduced by Ellis, referred to Committee on Natural Resources.  
**HB 202**, introduced by Nelson, referred to Committee on Select Health Care.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 14, 1995

**HB 203**, introduced by McKee, referred to Committee on Business & Labor.

**HB 204**, introduced by Tropila, referred to Committee on Highways & Transportation.

**HB 205**, introduced by J. Johnson, referred to Committee on State Administration.

**HB 206**, introduced by J. Johnson, referred to Committee on Taxation.

**HB 207**, introduced by Barnett, referred to Committee on Business & Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 26** - Representative Wyatt moved HB 26 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Anderson, Arnott, Brainard, DeBruycker, Grimes, Hayne, R. Johnson, Jore, Kasten, Rehbein, Rose, Sliter, Wagner.

Total 13

Voted Absentee: Boharski, Green, Holland, Knox, Larson, McCann, McGee, Molnar, Orr, Ryan, Simpkins, L. Smith, Story, Ayes.

Excused: Forbes, Fuchs, Galvin.

Total 3

Absent or not voting: Elliott.

Total 1

Representative Bohlinger assumed the Chair.

**HB 75** - Representative Wiseman moved HB 75 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Ewer, Fisher, Forbes, Galvin, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Swanson, Taylor, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 14, 1995

Noes: Anderson, Barnett, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Feland, Grady, Grinde, Hayne, Jore, Kasten, Keenan, Kitzenberg, Masolo, Murdock, Orr, Rehbein, S. Smith, Stovall, Tash, Trexler, Vick, Wagner, Wells.

Total 28

Voted Absentee: Forbes, Galvin, Green, Holland, Knox, Larson, McCann, McGee, Molnar, Ryan, Simpkins, L. Smith, Story, Ayes; Boharski, Orr, Noes.

Excused: Fuchs.

Total 1

Absent or not voting: Elliott.

Total 1

Representative Wiseman reassumed the Chair.

**HB 108** - Representative Cobb moved HB 108 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Grinde, Menahan, Pavlovich.

Total 3

Voted Absentee: Boharski, Forbes, Galvin, Green, Holland, Knox, Larson, McCann, McGee, Molnar, Orr, Ryan, Simpkins, L. Smith, Story, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: Elliott.

Total 1

**HB 119** - Representative Quilici moved HB 119 do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bergman, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 75



HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 14, 1995

Noes: Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Herron, Jore, Kadas, Keenan, Martinez, Mills, Raney, Somerville, Vick, Wagner.

Total 20

Voted Absentee: Galvin, Green, Holland, Knox, Larson, McCann, Molnar, Orr, Ryan, Simpkins, L. Smith, Story, Ayes; Boharski, No.

Excused: Forbes, Fuchs, McGee.

Total 3

Absent or not voting: Elliott, Wiseman.

Total 2

**HB 114** - Representative Ahner moved HB 114 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Hagener, Schwinden.

Total 3

Voted Absentee: Boharski, Forbes, Galvin, Green, Holland, Knox, Larson, McCann, McGee, Molnar, Orr, Ryan, Simpkins, L. Smith, Story, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: Elliott, Ewer.

Total 2

**HJR 6** - Representative Hayne moved HJR 6 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 14, 1995

Noes: Bergman, Bergsagel, Boharski, Jore, Rehbein, S. Smith, Story, Taylor.  
Total 8

Voted Absentee: Forbes, Galvin, Green, Holland, Knox, Larson, McCann, McGee, Molnar, Orr, Ryan, Simpkins, L. Smith, Ayes; Boharski, Story, Noes.

Excused: Fuchs.  
Total 1

Absent or not voting: Elliott.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wiseman moved that the Committee of the Whole report be adopted. Report adopted. (80-3)

**MOTIONS**

**HB 85** - Representative Grinde moved HB 85 be taken from the Committee on Taxation and rereferred to the Committee on Select Health Care. Motion carried.

**HB 129** - Representative Grinde moved HB 129 be taken from the Committee on Business & Labor and rereferred to the Committee on Local Government. Motion carried.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

- HB 208**, introduced by Cobb, referred to Committee on Judiciary.
- HB 209**, introduced by Cobb, referred to Committee on Taxation.
- HB 210**, introduced by Pavlovich, referred to Committee on State Administration.
- HB 211**, introduced by L. Smith, referred to Committee on Business & Labor.
- HB 212**, introduced by Anderson, referred to Committee on Agriculture, Livestock & Irrigation.
- HB 213**, introduced by Menahan, referred to Committee on Appropriations.
- HB 214**, introduced by Kottel, referred to Committee on Judiciary.
- HB 215**, introduced by Cocchiarella, referred to Committee on Natural Resources.
- HB 216**, introduced by Cocchiarella, referred to Committee on Business & Labor.

The following Senate bills were introduced, read first time, and referred to committees:

- SB 4**, introduced by Weldon, referred to Committee on State Administration.
- SB 6**, introduced by Crippen, referred to Committee on Judiciary.
- SB 25**, introduced by Jergeson, referred to Committee on Appropriations.
- SB 33**, introduced by Keating, referred to Committee on Business and Labor.
- SB 44**, introduced by Beck, referred to Committee on Agriculture, Livestock & Irrigation.
- SJR 2**, introduced by Halligan, referred to Committee on Natural Resources.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 14, 1995

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, January 16, 1995. Motion carried.

House adjourned at 9:15 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 16, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Aubyn A. Curtiss. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Menahan, S. Smith, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 1/16/95

Correctly printed for second reading: HB 44, HB 49, HB 51, HB 126, HJR 3.

Correctly engrossed for third reading: HB 26, HB 75, HB 108, HB 114, HB 119, HJR 6.

BUSINESS & LABOR (Simon, Chairman): 1/16/95

**HB 126**, introduced bill, do pass. Report adopted.

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman): 1/11/95

**HB 25**, introduced bill, do pass. Report adopted.

**HB 49**, introduced bill, do pass. Report adopted.

**HB 51**, introduced bill, do pass. Report adopted.

**HJR 3**, introduced bill, do pass. Report adopted.

**HB 44**, introduced bill, do pass. Report adopted. 1/13/95

**HB 77**, introduced bill, do pass. Report adopted. 1/16/95

**HB 99**, introduced bill, do pass. Report adopted.

**HB 110**, introduced bill, do pass. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 217**, introduced by J. Johnson, referred to Committee on Judiciary.

**HB 218**, introduced by DeBruycker, referred to Committee on Natural Resources.

**HB 219**, introduced by Kottel, referred to Committee on Highways & Transportation.

**HB 220**, introduced by Elliott, referred to Committee on Local Government.

**HB 221**, introduced by Bohlinger, referred to Committee on Education & Cultural Resources.

**HB 222**, introduced by Wyatt, referred to Committee on Appropriations.

**HB 223**, introduced by Wyatt, referred to Committee on Business & Labor.

**HB 224**, introduced by Wyatt, referred to Committee on Appropriations.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

**HB 225**, introduced by Hibbard, referred to Committee on Human Services & Aging.

**HB 226**, introduced by Vick, referred to Committee on Appropriations.

**HB 227**, introduced by Galvin, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 3**, introduced by Keating, referred to Committee on Human Services & Aging.

**SB 58**, introduced by Forrester, referred to Committee on Local Government.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simpkins in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 73** - Representative Pavlovich moved HB 73 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Green, Hurdle, Jore, Molnar, Rehbein, Trexler, Vick, Wennemar.

Total 8

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: Bergman, Boharski, Denny.

Total 3

**HB 94** - Representative Brainard moved HB 94 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harrington, Hayne, Herron, Holland, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Orr, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Squires, Story, Swanson, Tash, Trexler, Tropila, Vick, Wells, Wiseman, Zook, Mr. Speaker.



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Total 64

Noes: Arnott, Barnhart, Bergman, Bergsagel, Cocchiarella, DeBruycker, Ellingson, Fisher, Grinde, M. Hanson, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Knox, Martinez, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Schwinden, L. Smith, Soft, Somerville, Stovall, Taylor, Tuss, Wagner, Wennemar, Wyatt.

Total 36

Voted Absentee: Menahan, S. Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 107** - Representative DeBruycker moved HB 107 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Menahan, S. Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 83** - Representative Clark moved HB 83, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 12.

Following: "he"

Strike: "if the person purposely or knowingly:"

Insert: "if the person, with knowledge of the character of the item involved, knowingly:"

2. Page 2, following line 21.

Insert: "(a) "Knowledge of the character" means with general knowledge of the content or character or with reason

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

to know of the content or character of the material."

Renumber: subsequent subsections

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Bergman, Curtiss, Elliott, Ewer, Green, Harper, Harrington, Herron, Hurdle, Molnar, Orr, Peck, Ream, Schwinden, L. Smith, Squires, Tropila, Tuss, Wennemar.

Total 19

Voted Absentee: Kasten, S. Smith, Ayes.

Excused: Menahan.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde assumed the chair.

Representative Simpkins reassumed the chair.

Representative Tuss moved HB 83, second reading copy, be amended (amendment #2).

Amendment #2 failed as follows:

Ayes: Barnhart, Bergsagel, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 40

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 59

Voted Absentee: Menahan, Aye.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Excused: S. Smith.  
Total 1

Absent or not voting: None.  
Total 0

Representative Pavlovich moved for closure on HB 83. Motion carried.

Representative Herron moved HB 83, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Cobb, Curtiss, Devaney, Ellis, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 53

Noes: Anderson, Barnhart, Bohlinger, Carey, Clark, Cocchiarella, DeBruycker, Denny, Ellingson, Elliott, Ewer, Feland, Fisher, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Sliter, Somerville, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.  
Total 47

Voted Absentee: S. Smith, Aye; Menahan, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simpkins moved that the Committee of the Whole report be adopted. Report adopted. (60-38)

**MOTIONS**

**HB 91** - Representative Grinde moved HB 91 be taken from third reading and rereferred to second reading. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 36** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb,



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Feland, Rehbein, Trexler.

Total 4

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: L. Smith.

Total 1

**HB 48** passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bohlinger, Carey, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, Somerville, Squires, Swanson, Tash, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 59

Noes: Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Feland, Fuchs, Green, Grimes, Grinde, Hayne, Herron, Holland, Jore, Kasten, Keenan, Kitzenberg, Masolo, McGee, Murdock, Orr, Peck, Rehbein, Schwinden, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Taylor, Trexler, Vick, Wagner, Wells.

Total 40

Voted Absentee: Menahan, Aye; S. Smith, No.

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

**HB 61** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cobb.

Total 1

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: Clark, McCann.

Total 2

**HB 97** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: Clark.

Total 1

**HB 102** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Shea, Simon, Simpkins,

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Sliter, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Peck, Schwinden, Somerville, Story.

Total 4

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: McKee, Ryan.

Total 2

**HJR 4** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Arnott, Bergman, Bergsagel, Cobb, DeBruycker, Fisher, Fuchs, R. Johnson, Jore, Kasten, Masolo, Peck, Rehbein, Story, Taylor, Trexler, Vick.

Total 17

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: None.

Total 0

**SJR 4** passed as follows:

Ayes: Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Noes: Anderson, Bergsagel, Boharski, DeBruycker, M. Hanson, Heavy Runner, R. Johnson, Jore, Kasten, Keenan, Molnar, Murdock, Rehbein, Rose, Sliter, Somerville, Story, Taylor, Vick, Wagner.

Total 20

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: Ahner, Denny, Herron.

Total 3

**HB 50** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: Shea.

Total 1

**HB 26** passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Anderson, Arnott, DeBruycker, Grimes, Grinde, Hayne, Jore, Kasten, Knox, Rehbein, Sliter, Wagner.

Total 12

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: Ellis, Martinez.

Total 2

**HB 75** passed as follows:

Ayes: Ahner, Arnott, Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Anderson, Barnett, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Feland, Grady, Grinde, Hayne, Herron, Jore, Kasten, Keenan, Kitzenberg, McGee, Murdock, Orr, Rehbein, S. Smith, Stovall, Tash, Taylor, Vick, Wagner, Wells.

Total 30

Voted Absentee: Menahan, Aye; S. Smith, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 108** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Cocchiarella, Menahan, Murdock.

Total 3

Voted Absentee: Menahan, No.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Excused: S. Smith.

Total 1

Absent or not voting: Tuss.

Total 1

**HB 119** passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Arnott, Barnett, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Jore, Keenan, Mills, Raney, Somerville, Vick, Wagner.

Total 16

Voted Absentee: Menahan, Aye.

Excused: S. Smith.

Total 1

Absent or not voting: Ellingson, McGee.

Total 2

**HB 114** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, DeBruycker, Ohs, Schwinden, S. Smith.

Total 5

Voted Absentee: Menahan, Aye; S. Smith, No.

Excused: None.

Total 0



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Absent or not voting: Ellis, Somerville.

Total 2

**HJR 6** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergman, Bergsagel, Boharski, Fuchs, Jore, Keenan, McCann, Rehbein, S. Smith, Story, Taylor, Tuss, Vick.

Total 13

Voted Absentee: Menahan, Aye; S. Smith, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

**HB 83** - Representative Simpkins moved he be allowed to change his vote on HB 83 (amendment #2), second reading, from aye to nay. Motion carried.

**SB 119** - Representative Grinde moved the House accede to the request of the Senate to withdraw SB 119. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**RULES** (Grinde, Chairman):

1/16/95

**SJR 1**, third reading copy, be amended as follows:

1. Page 8, line 16.

Following: " "

Insert: "A bill requested pursuant to subsection (5) must receive a lower drafting priority than all bills requested by members, unless the requesting member assigns that request to the member's five-request priority."

2. Page 9, line 19.

Strike: "Introduction"

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

3. Page 9, line 20.  
Strike: the second "Deadline"

4. Page 9, line 21.  
Strike: the second "5:00 P.M."

5. Page 9, line 22.  
Strike: the second "Legislative"

6. Page 9, line 23.  
Strike: the second "Day"

7. Page 9, line 25.  
Strike: "14"

8. Page 9, line 26.  
Strike: "21"

9. Page 9, line 27.  
Strike: "40"

10. Page 9, line 28.  
Strike: "66"

11. Page 9, line 29.  
Strike: "78"

12. Page 10, line 2.  
Strike: "delivered after the applicable introduction deadline"

13. Page 10, line 8.  
Strike: "80"

14. Page 15, line 11.  
Following: "."  
Insert: "(1)"

15. Page 15, line 14.  
Following: line 13  
Insert: "(2) A bill that reduces revenue and that contains a contingent voidness provision may not be transmitted to the Governor unless there is an identified corresponding reduction in an appropriation contained in the general appropriations act."

16. Page 16, line 19.  
Strike: "Each"  
Insert: "Except as provided in 40-65 and 40-180, each"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 228**, introduced by H. Hanson, referred to Committee on Education & Cultural Resources.  
**HB 229**, introduced by H. Hanson, referred to Committee on Education & Cultural Resources.  
**HB 230**, introduced by Grady, referred to Committee on Appropriations.  
**HB 231**, introduced by Pavlovich, referred to Committee on Local Government.  
**HB 232**, introduced by Jore, referred to Committee on Judiciary.  
**HB 233**, introduced by Knox, referred to Committee on Education & Cultural Resources.  
**HB 234**, introduced by Hibbard, referred to Committee on Judiciary.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 4:00 p.m. Motion carried.

House recessed at 2:40 p.m.

House reconvened at 4:00 p.m. Mr. Speaker in the chair.

Representative Grinde moved that the House be on Order of Business #11 for the purpose of receiving the State of Education Address.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Meuli escorted the Senate into the House Chamber.

Mr. Speaker introduced President Brown and yielded the chair to him.

Senator Harp moved the body resolve itself into a joint session for the purpose of receiving the State of Education Address from the Superintendent of Public Instruction and the Commissioner of Higher Education. Motion carried.

Senator Harp moved President Brown be authorized to appoint a committee of four to notify the Superintendent of Public Instruction and the Commissioner of Higher Education that the House and the Senate are in joint session and ready to receive the State of Education Address. Motion carried.

President Brown appointed Senators Toews and Waterman and Representatives Cocchiarella and Ellis and discharged them to escort the Superintendent and the Commissioner to the House Chamber.

Superintendent Nancy Keenan and Commissioner Jeff Baker were escorted to the Rostrum by the escort committee.

Father Greg Smith gave the invocation. The Pledge of Allegiance to the Flag followed.

After being presented to the members of both houses by President Brown, Superintendent Keenan delivered the following address:



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

ADDRESS GIVEN TO THE MONTANA LEGISLATURE  
BY SUPERINTENDENT OF PUBLIC INSTRUCTION  
NANCY KEENAN

MONDAY, JANUARY 16, 1995 - 4:15 p.m.

Good afternoon Mr. Speaker, Mr. President, distinguished members of the House and Senate, Commissioner Baker, honored guests, fellow Montanans.

My heartfelt thank you to President Brown and Speaker Mercer for graciously allowing me the opportunity to report on the status of Montana's children and our public schools and to share with you a glimpse into the future. As a former legislator, I know how long your days are, so I will be respectful of your time.

The best part of my job is spending time in classrooms across this great state. This past spring, I was invited to give a commencement address in Fort Benton for kindergartners. When I arrived at the school, the children were already lined up single-file at the auditorium door. They were all wearing mortar board hats that the principal had made. I was at the end of the line when the little guy in front of me poked the kid in front of him and said: "Can you believe it, Nancy Kerrigan is going to be here!"

Well, I'm not an Olympic skater, but I did have skates as a child. I remember skating in Anaconda at the Kennedy Commons around a 100-foot Christmas tree with every other kid in town. As the fourth of five children, my skates were, of course, hand-me-downs, but my mom would polish them, and they looked just like new.

In those days, I remember my father telling us that education would make the difference between shoveling ore on the smelter for the rest of our lives or having opportunities beyond our imaginations. It was a time when my parents worried about our future: Would there be layoffs at the smelter? Could we afford new school shoes and make the mortgage payment? Where would the little bit extra come from for Christmas?

But my parents had their dreams, too. My dad was the one who wanted to travel in space. When Neil Armstrong walked on the moon, my dad was moved to tears with pride in his country. He taught me always to reach for the moon and told me even if I fell short, I would land among the stars. I am sure your memories of growing up are as vivid as mine. We think of them as the good old days.

The children growing up today are much like us; but in some ways, their lives are different. Most of us grew up with a rotary dial phone; today's kids use cellular. We had ovens; they use microwaves. We had records; Sony Walkmans and CD players seem to be permanently attached to their heads. We remember our first television set; they have never been without one. We griped about washing dirty dishes by hand; they gripe about unloading the dishwasher.

We grew up memorizing facts and expecting to have one career for the rest of our lives; they will likely change careers at least five times. Our memories and experiences may be different from theirs, but as Roger Allen said, "In case you're worried about what's going to become of the younger generation, it's going to grow up and start worrying about the younger generation."

#### THE FUTURE

You and I have seen the waning of the industrial age, lived in the atomic and space ages, and witnessed the dawning of the computer and information age. There are fewer than 2,000 days to the year 2000. All information known

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

to humankind will more than double in the next 900 days. At this rate, every two years, half of what our children learn in college will be obsolete. As a result, our young workers will be retrained 10 to 13 times.

Fifteen years ago, the personal computer industry did not exist. Today, it is more than a 100-billion-dollar industry. Microsoft alone employs 15,000 people and has a market value of over 25 billion dollars.

We can send information between Montana and the East Coast at a speed equivalent to a thousand books per second. At this pace, the entire Library of Congress could be downloaded in 24 hours. The Internet reaches more than 134 countries and is linked to more than 20 million computer stations. Think of the learning possibilities this offers our children!

I could go on and on, but the point is this: Our world is changing, information is exploding, and we are charged with educating our children and providing them with the skills to live and work in the 21st century. We must plan, and we must act.

If we don't plan ahead, our children won't be able to compete for decent jobs.

#### THE STATE OF EDUCATION

In the past few years, Montana has faced difficult financial times. In 1993, a 100-million-dollar deficit loomed on the horizon. During the 1993 regular session, 30 million dollars of state support was cut from schools. In the December special session, an additional 19 million dollars were cut. That's a total of nearly 50 million dollars cut from Montana public schools.

While the cuts were being made, school enrollment was growing by leaps and bounds. Since school year 1989-90, 13,000 new students have arrived at our school house doors. That is a growth rate of 9% over a short five-year period. Projections to the year 2000 show that enrollment will continue to grow by as many as 2,000 students per year.

When the state cuts support for public schools, local taxpayers are forced to pick up the tab in order to maintain excellence in their local schools. Last year, in 75% of school districts that held levy elections, Montanans voted to increase their property taxes in order to compensate for cuts in state funding.

Shifting the burden to local taxpayers in this manner has the same effect as an "unfunded mandate."

When enrollments grow and state dollars shrink, per-pupil expenditures go down. In the 1993-94 school year, the state spent \$3,940 per student. This school year, that amount dropped to \$3,849 per pupil. Next school year, assuming the Governor's proposal passes, it is estimated that we will spend only \$3,771 per pupil. Montana ranked 22nd in the nation in per-pupil expenditures in 1991-92, 4% below the national average. Last year, we fell to 31st in the nation, 11% below the national average. The question becomes: Are we aiming for the bottom?

Let me remind you that our children are doing well today because of investments that were made over the past twenty years. The cuts made in recent years will not show up in poor student performance this year, or perhaps even next year. But I assure you, we will see the impacts of those cuts when today's first-graders take the SAT and ACT tests in the year 2006.

Under HB 667, passed in the 1993 session, a school is considered equalized when its budget for the district general fund is between 80% and 100% of the maximum budget allowed by law.

Today, seven years after the school equalization lawsuits were filed, nearly 25% of Montana's school children



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

attend schools in districts that budgeted under the minimum equalization level targeted by law. Furthermore, because state support of education has steadily declined, we are dangerously close to the level of inequity that prompted the under funded lawsuits in the first place.

These circumstances make the Governor's recommendation to fund the cost of new enrollment for this next biennium even more critical. I fully support and urge you to adopt his proposal.

#### SAFETY IN SCHOOLS

I cannot emphasize strongly enough that when school enrollments grow, the number of children who are disruptive and difficult also grows. Add to that the overcrowded classrooms and deteriorating school buildings, and you have a prescription for disaster. Every child has the right to a safe learning environment. The decisions you make with regard to school funding will tip the scale of safety for our children one way or the other.

Montanans witnessed a tragedy in Butte last year when Jeremy Bullock was shot and killed on the school playground. Weapons do not belong at school. Children who bring weapons to school must be dealt with quickly and appropriately. Schools, in partnership with police officers and community members, must also ensure that those same students who are removed from the school yard do not end up in your yard. We do not solve the problem by throwing those children back on the streets. Representative Debbie Shea is carrying our proposal, HB167, on gun-free schools.

#### SPECIAL EDUCATION

Special education funding has been frozen since 1989. The appropriation for special education has remained at 33.8 million dollars. At the same time, special education enrollments have increased. While the number of special education students in some categories has declined over the past six years, the number of students with emotional disturbances has increased by 55% since the 1989-90 school year. Students who were traditionally served in residential treatment programs are now in community-based programs and attending local schools.

On the recommendation of the Special Education Task Force, I have requested 3.6 million additional dollars the first year of the biennium and 5.1 million dollars for the second year for special education. That appropriation adjustment can be made in HB 2.

If we fail to meet our responsibilities in this area, schools will be forced to continue using regular education dollars to meet their increased costs for special education. Parents, teachers, and administrators across Montana tell me this is one of the most serious issues facing local schools today.

#### TECHNOLOGY

Another priority identified by educators and parents statewide is educational technology. Students will need a solid background in technology in order to achieve in any chosen career. Today, technology is an essential part of a quality education.

A bill drafted by the Department of Revenue and supported by the Racicot Administration proposes to accelerate the payment of oil and gas severance taxes, creating a one-time payment of \$5 million to the school equalization account. Rather than artificially inflating the account with that one-time money, I propose investing it in a trust fund for educational technology. Senator Stang is sponsoring this legislation.

#### ACCOUNTABILITY



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Accountability has always been a priority in my administration. I am proud to report that the Office of Public Instruction has had clean audits every year that I have been in office. OPI recognizes the serious responsibility we have to the public in accounting for their tax dollars. In addition, we recognize that Montanans expect efficient government in Helena. When schools experienced a 4.5% cut, OPI staff was reduced by 6%, a total cut of 9 FTE. We agree with the Governor's proposal to again reduce personal services by 5% for each year of the next biennium. Although our statutory responsibilities have increased significantly over the past 25 years, OPI has the same number of staff today as it had in 1970.

#### RESPONSIBILITY

Montana is a beautiful state, populated with people who are hard-working, responsible individuals. The vast majority of our parents are loving care-givers, who provide the emotional, intellectual, and material support their children need. Montana's children out-perform nearly every state in nearly every academic category. We have so much to be proud of.

However, as the world changes, so does the condition of our children. More and more children come to school hungry, neglected, and abused. Many come to school having never been read to. An alarming number have no responsible adult to care for them or to provide a positive role model. Their parents are often the same ones who blame schools for their children's bad behavior or inability to learn.

Some parents lay all the responsibility for their children's growth on the school's doorstep, rather than accepting their parental responsibility for providing the care, discipline, affection, and academic preparation their children so desperately need. As parents, we need to take time out of our busy lives to help our children grow up. When parents demand that schools turn their disrespectful, disruptive children into model students, they, too, are imposing "unfunded mandates" on their schools.

Montanans expect their schools to produce mature and responsible students with high academic performance, ready for work or higher education. Montana schools have met this expectation for decades. However, if the state does not provide the resources to enable schools to do their jobs, then this expectation becomes yet another "unfunded mandate."

Winston Churchill said, "The price of greatness is responsibility." Let me leave with you a few messages about our responsibilities.

To parents, my message is this: Please accept the responsibility for your children's behavior, their preparation for school, and their attitude toward learning. Parenting is hard, hard work, and even the best of parents will face challenges. I urge you to set high expectations for your children, read to them, talk with them, listen to them, teach them, and most importantly, show them you love them.

My message to students: Turn off the TV, the Nintendo, and the Sega games. Read, study, do your best, act responsibly, be fair, and behave.

To my fellow educators: Set high expectations for all of your students and for yourselves. Welcome parents and the community into your classrooms. Be proud of your profession and your work. Your work is important, and we have great respect for you.

My message to Montanans who continue to support education with their tax dollars even though their children are grown or they have no children: Thank you. Thank you for understanding the responsibility one generation has for the next and for remembering that a previous generation invested in you.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

For those Montanans who resist investing in education: Please remember how important education is to Montana's economy and that our quality of life hinges on the education of our citizenry. Ignorance breeds crime, prejudice, and violence. Ignorance threatens economic opportunity and well-being for each of us.

And finally, my message to you as legislators: Do your best. Work hard. Play fair. Montanans have great expectations of you. What you do here matters to the children of Montana. I am deeply grateful for your dedication.

Like Martin Luther King, Jr., whose life we celebrate today, I have a dream for our children. My dream is that all Montana children will have opportunities that enable them to become self-reliant, productive, happy, responsible citizens.

Education is the key to achieving this, the American Dream. Let your work keep the dream alive for Montana's children.

Thank you.

After the Superintendent finished her address, Commissioner Baker was presented to the members of both houses by President Brown and delivered the following address:

**ADDRESS GIVEN TO THE MONTANA LEGISLATURE  
BY COMMISSIONER OF HIGHER EDUCATION JEFF BAKER**

**MONDAY, JANUARY 16, 1995 - 4:40 p.m.**

Mr. President, Mr. Speaker, Ladies and Gentlemen:

Thank you for the opportunity to address this distinguished body.

The Montana University System has changed dramatically since you gathered here in 1993. We have restructured the system, completed work on a new and more equitable funding model, successfully implemented collaborative labor negotiations, refocused on getting students graduated, and developed new methods of accountability to you and the people of Montana.

We continue to work on other initiatives that are positively changing the face of higher education in this state. A particularly important partnership with business and K-12 is just getting started. Workforce preparation will mean fundamental change in the way we prepare students—not just for a four-year education but for tomorrow's kind of work. We expect better options for all students—the traditional-age high school graduate as well as the displaced logger who is caught in the throes of economic restructuring.

As you have watched us make these changes, some of our decisions may not have seemed appropriate. I assure you we are trying to balance the pressures and expectations that come from many quarters and to be honest and straightforward about what we are doing, even at the risk of our embarrassment. We make mistakes.

But from my experience, I can report to you that we have some of the most dedicated people I have encountered in my career. I recall a time last May when I was returning to Helena after spending the day on one of our campuses meeting with groups of faculty, staff, administrators, and the general public. The parade of meetings had gone from 7:00 a.m. to after 6:00 p.m. and I was tired, but I still remember the sense of pride I had in these people



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

who in group after group kept challenging me to help them do a better job for their students. They had the right focus. It was a day of renewal.

Without doubt, the greatest frustration of this job is the difficulty in communicating to you and the people of this state all the positive and exciting things happening in the Montana University System. My wife keeps reminding me that we judge others by their actions and ourselves by our intentions. Turning intentions to actions is not always easy. This afternoon I have two action ideas to share with you. One is about the role of knowledge in building our state's economy; the other is an idea about how together we might do a better job for Montana.

Recently a Montana native who has gone on to become a world-renowned economist from MIT was talking about the future. Lester Thurow's point was simple. In the old world, economic advantage went to those who controlled natural resources. The torch passed from raw materials to the industrial age when the ability to build and use machinery provided the edge. Machinery gave way to technology, and technology is now supplanted by skills and education, particularly the skills and education to use technology. Peter Drucker, one of the shapers of American business management, summarizes the changing economic picture in his book *post-Capitalist Society*:

"... the real, controlling resource and the absolutely decisive 'factor of production' is now neither capital nor land nor labor. It is knowledge" (p. 6).

Montana is locked in economic competition with other states and nations. Make no mistake about the intensity of the competition—the stakes are high. The 3,500 Micron Technology jobs now hanging in the balance certainly make the point. Consider the kinds of jobs Micron is contemplating: 500 engineers, 525 technicians, 1,600 operators, and 420 administrators. Access to higher education is fundamental in Micron's location decision. If we expect to build our economic base and provide jobs for our children and grandchildren, we must enter the economic competition. Do we really want to be players? We can do so only by investing in the best knowledge generator in the world—American higher education. Like most investors, we have to exercise patience because the returns will not come overnight. The formula is simple in concept and a challenge to implement.

In Montana, our knowledge foundation is eroding. I wish it were as easy to see as some of the crumbling buildings on our campuses. But despite pockets of brilliance, we are slipping further behind in the knowledge competition. While others are investing and building, we are maintaining and retrenching.

I am not pointing fingers; I am sounding the alarm. I do so with considerable reluctance, given higher education's past propensity to cry wolf. The sky is not falling, but there are some real storm clouds on the horizon. The latest indicator in a long series of "warning signals" is our next-to-last ranking in the most recent two-year cycle of state funding for higher education operations. While Montana decreased 8% from 1993 to 1995, the competition continues to increase investment. States that fall below our 41st ranking in per capita income are taking the investment route: Alabama increased state investment in higher education by 23%; New Mexico (+23%); Mississippi (+45%); closer to home Utah (+13%); and just ahead of us on the per capita chart are Idaho (+19%) and South Dakota (+8%). Perhaps more troubling, Montana has been at the bottom of the barrel for at least the past 10 years. In inflation-adjusted dollars, we invest \$500 less today per student (\$3,780 in 1994) than we did in 1985 (\$4,318). Costs, or more precisely expenditures, are not out of control. Although many states with lower average annual incomes than Montana are awakening to the challenges of the knowledge competition and signaling their willingness to be serious players, we have chosen divestment.

Higher education has been given a wake-up call. The Regents understand that times have changed, that we must become better stewards of resources and providers of services. We are trying to turn the juggernaut around. The point is very direct: If the resources do not come from the state, we must look elsewhere for financial solutions. We cannot sit idly by and wait for the deterioration to run its course.



HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

This past year-and-a-half, higher education has had a good working relationship with the Governor's budget office, legislative fiscal analyst, and those of you helping to define education issues. We do not always agree, but we have found ways to communicate and resolve our differences. The collaborative approach works. We support the Governor's state funding recommendations; but the tools necessary to prepare Montana students for global competition are not provided in the executive budget. We do not want to mislead the people of Montana into believing we can be serious players among the states and nations if we are not planning to invest. Other states with more pressing economic conditions than ours are willing to make the investment sacrifice because they believe in a better tomorrow. So should we Montanans.

How do we respond? Jim Kaze, Chairman of the Board of Regents, often reminds us not to whine. He is right; there has been too much whining in the past. But we cannot just turn our backs on the issues. Education excellence is the foundation for a better tomorrow. We have an obligation to ask the question: What are we doing to ensure the future for the people of Montana?

Here are some suggested answers; but please know that we are here today to listen as well as suggest. For some time, higher education has been on a course toward privatization. Visualize a continuum anchored on one end by big government and on the other by free enterprise. For at least the past 10 years, Montana public higher education has been moving toward the private end—slowly at first, but much more rapidly in recent years. Look at some of the evidence. First, only 27% of the \$472 million that will flow to higher education this year will come from the state. Second, the mix of state and student funding has been changing for at least a decade—students and parents have been paying an increasingly greater share of the operating expenses. Third, even the rhetoric has changed from public-supported education to public-assisted. Fourth, more and more emphasis has been placed on accountability and benchmarking, a business practice adopted by higher education that establishes standards to measure efficiencies.

Some of you have challenged us to accelerate the process toward privatization. My response is to accept the invitation for increased exploration of the alternative you lay before us. We are eager to embrace incentive funding and investigate the costs and benefits of greater reliance on market-driven forces. We are ready to move forward in a joint venture as partners who share responsibility, not fight over control. The Montana University System's recent restructuring is well-suited to manage the private enterprise. We are positioned as a system to take advantage of economies of scale yet operate in a decentralized fashion to maximize local decision-making and respond to our local customers' needs. Please consider the exciting possibilities of increasing the pace toward an end already defined.

First, privatization means giving authority to the Montana University System to make decisions like a business. The governing body is the Board of Regents and should be likened in authority and responsibility to a corporate board. We have all seen the positive changes in the worker's compensation system with the greater management latitude for the board and the new authority to operate like a business. To maintain the basis for a sound system of checks and balances, the Governor should continue to appoint Regents as currently mandated by the Constitution. Faculty and staff should be employed by the board, not the state. The board should be authorized to enter into contracts and procure materials, supplies, services, and equipment and to define policies and competitive procedures that guide such activities. The system could contract with the state for certain services. However, it should likely ask for bids from both the public and private sectors when seeking service contractors. Audits should be in compliance with generally accepted business practices.

Second, units would be expected to compete in the new environment. The future use or redesign of facilities and the curriculum to be offered will be altered at the discretion of the private education enterprise in consultation with our state partner. Since the system would be more receptive to the customer, one can assume that changes would be made in a rapid and responsive fashion. It is a sink-or-swim environment, and marginal programs are likely to

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

be eliminated.

Third, the Montana University System's new funding model is well-suited to facilitate the transition to market-driven incentives. The state and the Montana University System are partners in this joint venture. The partners must negotiate the number of education seats the state will purchase and the purchase price. The Montana University System shoulders full responsibility for setting tuition; the market is the controlling mechanism that keeps tuition in check. We propose that state money be distributed to resident students in the form of warrants. A warrant is issued to a Montana University System unit when the student is accepted and admitted to an institution. The proposed approach makes clear the state's supporting role but also who shoulders the responsibility for tuition. The purchasing public is the final judge of fairness as citizens vote with their dollars—for Montana institutions or not. Supply and demand are given center stage.

As in most recent years, the hotly contested issue in 1995 will be over a tuition increase of some \$200 per year on an investment that now returns an average of \$600,000, the life-time difference between a high school diploma (\$820,000) and a college degree (\$1,420,000). The annual concern over tuition will never stop. However, we can finally put the discussion into a context that clearly defines responsibilities.

In composite, these proposals seek to unleash the ties of government that restrict, not to abuse the privileges of free enterprise but to capitalize on them. The prospects are exciting. Ironically, at the time that all past and present indicators point toward continuing the journey down the road of privatization, the Governor's Task Force to Renew Montana Government recommends a move in exactly the opposite direction—build another cumbersome Helena bureaucracy and shackle higher education with bigger government involvement and more control. The issue is whether we are to have more government embodied in a new education department or continue the legislative agenda that has been underway for more than a decade—a transition to market-driven incentives. We are ready to move ahead to the 21st century, not return to the 19th.

Visualize Montana 10 or perhaps 15 years from now. Imagine this legislature in session in the year 2007. The Montana University System will report on student job placements, graduation rates, and other accountability measures that are part of the report card collaboratively determined between the state and the university system. We will mutually determine the measures that are important in defining success or failure and redirect the focus away from the input side of the equation. Results are what count. We are already putting into place benchmarking to measure and report areas of efficiency and inefficiency in the Montana University System. We will be able to share the results of these reports with the legislature in the process of accountability. Partners must be accountable to each other as the basis for establishing trust and integrity in the process. A system whose quality is now eroding for lack of human and physical investment will have no one to blame but itself.

There are times for well-designed changes. After various attempts spread over 100 years, in 1994 the Regents succeeded in consolidating higher education. Little did we know that changes would be more historic than anyone envisioned. Now we are prepared for the next move that will launch Montana's new system of higher education. Later this week, I will review these proposals with the Montana Board of Regents. I challenge the legislative leadership and the Governor to join us in bringing this venture to reality—to join in the most significant New Montana Partnership in the twilight of the 20th century.

Superintendent Keenan and Commissioner Baker were escorted from the House Chamber by the escort committee.

Sergeants-at-Arms Meuli and Cramer escorted the distinguished guests from the House Chamber.

Senator Harp moved the joint session of the 54th Legislature be adjourned. Motion carried.

HOUSE JOURNAL  
THIRTEENTH LEGISLATIVE DAY - JANUARY 16, 1995

Members of the Senate retired from the House Chamber.

**ANNOUNCEMENTS**

House adjourned at 5:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 17, 1994

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative William E. Ryan. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Grimes, Wiseman, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eleventh and twelfth legislative days, find the same to be correct.

Hayne, Chairman

**COMMUNICATIONS AND PETITIONS**

Mr. Speaker made the following temporary appointments to expire when permanent appointments are made:

Revenue Oversight

R. Johnson  
Elliott

Legislative Council

Hayne  
Larson

Environmental Quality Council

Ryan

Legislative Finance

Raney

Legislative Audit

Hagener

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

1/17/95

Correctly printed for second reading: HB 77, HB 99, HB 110, HB 76, HB 35, HB 25, HB 139, HB 121, HB 20, HB 118, HB 144.

Correctly engrossed for third reading: HB 73, HB 94, HB 107, HB 83.

**APPROPRIATIONS (Zook, Chairman):**

1/17/95

**HB 20**, introduced bill, do pass. Report adopted.

**HB 35**, introduced bill, be amended as follows:

1. Page 1, line 19.  
Page 2, line 21.

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

Page 3, line 4

Following: " "

Insert: "An amount transferred from the first fiscal year to the second fiscal year may not be included in the base budget for the next biennium."

And, as amended, do pass. Report adopted.

**HB 76**, introduced bill, do pass. Report adopted.

**HUMAN SERVICES & AGING** (Grimes, Chairman):

1/16/95

**HB 121**, introduced bill, do pass. Report adopted.

**LEGISLATIVE ADMINISTRATION** (Hayne, Chairman):

1/17/95

**HB 139**, introduced bill, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/16/95

**SB 21**, introduced by Halligan

**SB 70**, introduced by Cole

1/17/95

**SB 100**, introduced by Beck

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 235**, introduced by Grady, referred to Committee on Agriculture, Livestock & Irrigation.

**HB 236**, introduced by Ryan, referred to Committee on Human Services & Aging.

**HB 237**, introduced by Kitzenberg, referred to Committee on Taxation.

**HB 238**, introduced by Kitzenberg, referred to Committee on Taxation.

**HB 239**, introduced by Hurdle, referred to Committee on Business & Labor.

**HB 240**, introduced by Soft, referred to Committee on Judiciary.

**HB 241**, introduced by Carey, referred to Committee on Business & Labor.

**HB 242**, introduced by Carey, referred to Committee on Business & Labor.

**HB 243**, introduced by Menahan, referred to Committee on Business & Labor.

**HB 244**, introduced by Menahan, referred to Committee on Judiciary.

**HB 245**, introduced by Ahner, referred to Committee on Human Services & Aging.

**HB 246**, introduced by Quilici, referred to Committee on Highways & Transportation.

**HJR 10**, introduced by Knox, referred to Committee on Natural Resources.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 21**, introduced by Halligan, referred to Committee on Business & Labor.

**SB 70**, introduced by Cole, referred to Committee on Fish & Game.



HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

**SB 100**, introduced by Beck, referred to Committee on Business & Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 25** - Representative Peck moved HB 25 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Grimes, Aye.

Excused: Wiseman.

Total 1

Absent or not voting: Arnott, Jore, Orr, Tuss.

Total 4

**HB 44** - Representative Quilici moved HB 44 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

Voted Absentee: Grimes, Aye.

Excused: Wiseman.

Total 1

Absent or not voting: Jore, Nelson, Wyatt.

Total 3

**HB 51** - Representative J. Johnson moved HB 51 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Brainard, Green, Heavy Runner, Jore, Martinez, S. Smith, Story, Wagner.

Total 8

Voted Absentee: Grimes, Aye.

Excused: Wiseman.

Total 1

Absent or not voting: None.

Total 0

**HB 77** - Representative Cocchiarella moved HB 77 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergman, Boharski, Brainard, Green, Vick.

Total 5

Voted Absentee: Grimes, Aye.

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

Excused: Wiseman.

Total 1

Absent or not voting: Jore.

Total 1

**HB 99** - Representative Fuchs moved HB 99 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Grimes, Aye.

Excused: Wiseman.

Total 1

Absent or not voting: Jore.

Total 1

**HB 110** - Representative Fisher moved HB 110 do pass.

Representative Fisher moved consideration of HB 110 be passed for the day. Motion carried.

**HJR 3** - Representative Wyatt moved HJR 3 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wells, Wennemar, Wyatt, Mr. Speaker.

Total 66

Noes: Anderson, Barnett, Bergman, Boharski, Brainard, Curtiss, DeBruycker, Denny, Devaney, Green, Grimes, M. Hanson, Holland, Jore, Kasten, Keenan, Knox, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Sliter, S. Smith, Soft, Somerville, Story, Taylor, Trexler, Vick, Wagner, Zook.

Total 33



HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

Voted Absentee: Grimes, No.

Excused: Wiseman.

Total 1

Absent or not voting: None.

Total 0

**HB 126** - Representative Harper moved HB 126 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Vick, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Anderson, Boharski, Denny, Grinde, Kasten, Molnar, Rehbein, S. Smith, Story, Taylor, Trexler, Wagner.

Total 12

Voted Absentee: Grimes, Aye.

Excused: Wiseman.

Total 1

Absent or not voting: Jore.

Total 1

**HB 91** - Representative Kadas moved HB 91, second reading copy, be amended as follows (amendment #1):

1. Title, line 4.

Strike: "EXTENDING THE TIME IN"

Insert: "REVISING THE METHOD BY"

2. Title, lines 5 and 6.

Following: "MORE" on line 5

Strike: remainder of line 5 through "HOURS" on line 6

3. Page 2, line 8.

Strike: "72"

Insert: "24"

4. Page 2, line 10.

Strike: ";

Insert: ". The report under this subsection (3)(a) may be made by telephone or electronic communication to the clerk and recorder and the commissioner of political practices."

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Brainard, Forbes, Kasten, Knox, Martinez, McGee, Mills, Rehbein, Simpkins, Somerville, Story, Wagner, Wells.

Total 13

Excused: Grimes, Wiseman.

Total 2

Absent or not voting: None.

Total 0

Representative M. Hanson moved HB 91, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Barnhart, Brainard, Curtiss, Forbes, Green, Grinde, Jore, Kasten, Knox, McGee, Ryan, Simpkins, Wagner, Wells.

Total 14

Voted Absentee: Grimes, Aye.

Excused: Wiseman.

Total 1

Absent or not voting: None.

Total 0

**HB 49** - Representative Kadas moved HB 49 do pass. Motion carried as follows:

Ayes: Arnott, Barnett, Barnhart, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson,

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Tropila, Tuss, Vick, Wells, Wennemar, Zook.

Total 76

Noes: Anderson, Bergman, Bergsagel, Brainard, Curtiss, Devaney, Green, M. Hanson, Jore, Kottel, Martinez, Molnar, Murdock, Orr, Rehbein, S. Smith, Taylor, Trexler, Wagner, Wyatt, Mr. Speaker.

Total 21

Voted Absentee: Grimes, Aye.

Excused: Wiseman.

Total 1

Absent or not voting: Ahner, Elliott.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wiseman moved that the Committee of the Whole report be adopted. Report adopted. (93-4)

**MOTIONS**

**HB 202** - Representative Grinde moved HB 202 be taken from the Committee on Select Health Care and rereferred to the Committee on Taxation. Motion carried.

**HB 94** - Representative Harper moved consideration of HB 94 be passed for the day. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 73** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Boharski, DeBruycker, Denny, Green, Grinde, Hurdle, Jore, Molnar, Rehbein, S. Smith, Trexler, Vick, Wennemar.



HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

Total 13

Voted Absentee: Wiseman, Aye.

Excused: Grimes.

Total 1

Absent or not voting: None.

Total 0

**HB 83** passed as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Cobb, Curtiss, Devaney, Ellis, Feland, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, L. Smith, S. Smith, Soft, Story, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Anderson, Barnhart, Bohlinger, Carey, Clark, Cocchiarella, DeBruycker, Denny, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Sliter, Somerville, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 47

Voted Absentee: Grimes, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 107** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

Voted Absentee: Wiseman, Aye.

Excused: Grimes.

Total 1

Absent or not voting: Arnott, Fuchs, Herron, Hurdle, Stovall.

Total 5

**HB 54** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Cobb, R. Johnson, L. Smith, Tuss, Wagner, Wyatt.

Total 7

Voted Absentee: Wiseman, Aye.

Excused: Grimes.

Total 1

Absent or not voting: Hagener, Ryan, Wennemar.

Total 3

**REPORTS OF STANDING COMMITTEES**

**BUSINESS & LABOR** (Simon, Chairman):

1/17/95

**HB 118**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "PUBLISHED;"

Insert: "PROVIDING FOR CONTINGENT TERMINATION TO CONFORM TO CHANGES IN FEDERAL BANKING LAWS;"

2. Page 1.

Following: line 25

Insert: "NEW SECTION. **Section 2. Contingent termination.** [This act] terminates on the date that the commissioner of financial institutions certifies to the governor that federal banking laws require that a nationally chartered bank publish its call report in a newspaper published in the place where the bank is located."

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 17, 1995

And, as amended, do pass. Report adopted.

**SB 16**, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

1/17/95

**HB 144**, introduced bill, do pass. Report adopted.

**MOTIONS**

**HB 49** - Representative Squires moved she be allowed to change her vote on HB 49, second reading, from not voting to aye. Motion carried.

**HB 83** - Representative Green moved he be allowed to change his vote on HB 83, second reading, from not voting to aye. Motion carried.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 247**, introduced by M. Hanson, referred to Committee on State Administration.

**HB 248**, introduced by Bergsagel, referred to Committee on Highways & Transportation.

**HB 249**, introduced by Marshall, referred to Committee on Local Government.

**HB 250**, introduced by McCulloch, referred to Committee on Judiciary.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 161: Representative Keenan, Representative Boharski, Representative Herron, Representative Brainard, Representative Bergman, Representative Molnar, Representative Tash.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 11:00 a.m., Wednesday, January 18, 1994. Motion carried.

House adjourned at 2:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 18, 1995

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair.

Sergeant-at-Arms Meuli escorted the Senate into the House Chamber.

Mr. Speaker introduced President Brown and yielded the chair to him.

Senator Harp moved the body resolve itself into a joint session for the purpose of receiving the State of Indian Nations Address from the Chairman of the Blackfeet Tribe. Motion carried.

Senator Harp moved President Brown be authorized to appoint a committee of four to notify the Chairman of the Blackfeet Tribe that the House and Senate are in joint session and ready to receive the State of Indian Nations Address. Motion carried.

President Brown appointed Senators Jabs and Nelson and Representatives Heavy Runner and Stovall and discharged them to escort the Chairman of the Blackfeet Tribe into the House Chamber.

The Chairman was escorted to the Rostrum by Sergeant-at-Arms Cramer and the escort committee.

Clara Spotted Elk of the Northern Cheyenne Tribe gave the invocation. The Pledge of Allegiance to the Flag followed.

After being presented to the members of both houses by President Brown, Earl Old Person, Chairman of the Blackfeet Tribe, delivered the following address:

**CHAIRMAN EARL OLD PERSON  
STATE OF THE INDIAN NATIONS ADDRESS  
TO THE 54TH LEGISLATIVE ASSEMBLY  
JANUARY 18, 1995**

Mr. President, Speaker Mercer, the honorable and distinguished members of both the Senate and House of Representatives. Our honorable tribal chairmen and tribal leaders. Again it is an honor and with great pleasure that we are here and given this opportunity to be here one more time. To be able to remind one another the kind of things we are still looking to, looking for, and the things that we hope to happen. I especially want to express my gratitude to my fellow tribal leaders in giving the Indian address. The second time I was asked, I was rather humbled; but on the other hand it was a challenge. It was an opportunity to express the views, the hopes of our people within the Indian nation here in the state of Montana.

It seems though, just recently, that we were here together talking with one another, trying to again express to one another the kinds of things we think would bring us together. Many things have happened since that time. There has been a lot of change in government whether it is national, state, or tribal. Perhaps there have been many new faces that come on board. But I want to remind you that each time there is a change in government we as the Indian people have our hopes up that there are going to be some changes, that there are going to be people coming together. But too often we find that it doesn't happen. The people of today are seeking. The natives from the state of Montana are seeking ways to help our people. We see many reports, many statistics. Time after time giving reports about Indians to natives of this country and the natives of the state of Montana.

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Many times we are told that we are the greatest in those negative things: poor health, highest dropout, suicide, drugs, alcohol. The leaders are doing everything to help correct the kinds of things that we are often reminded are happening within the reservations, among the tribes.

But this is where the drawback comes. We are told you must correct certain things. You must correct certain things that need to be corrected. And then when we are intending to do that, people that can help us draw back. Today we have young people, you natives here. They are not here just because they want to come down here on a trip. They are aware, they are knowledgeable, and they know what is happening within our areas. These young people are making the same kind of endeavors; the efforts are the same with any community within the United States. Their hopes are that there will be a way for them. Where they can begin to be part and enter into those things that the American people are enjoying. The young people today are the victims to the many things that are happening in this country. Yet, they are able through the leaderships, through the people that care, through their guidance. They are able to overcome many of the things that are confronting them.

The Constitution of Montana says, "Let there be equality of education for the people of Montana." We as natives are part of those people that it talks about. That same law also states they recognize the preservation, a way that we are trying to preserve our traditional way of life. I am wearing this war bonnet just to remind you of where we are coming from, what we are today and what we will be tomorrow. We are moving forward just like anyone else. We are in a position where our people are knowledgeable enough that they can begin to give us some guidance. Begin to take a lead for us.

Many years we have depended again on the Bureau of Indian Affairs, the governments that we dealt with to give us that guidance, to give us that advice, to give us the kind of help that is needed. We were at the mercy of the many white people that come to do business with us hoping that how they have approached us, have come together with us would be something that we can benefit by. But I am proud to say today that we have our own kind and people sitting here that are in a position they are taking that place and giving us that guidance. They are giving us something to watch for and they are advising us.

We keep hearing "communication," that we must come together. We agree. We certainly agree that there needs to be open communication. That we can be able to settle and begin to look at those things that are the barriers, the things that we constantly dispute over. Why do we need that? Because we have people that are taking a lead point. It's not for us. Each of us have constituents. Each of us have people that are depending on our leadership. Our people back home, wherever our homes may be, they are looking to us. Their hopes are up. In spite of the many things that we are hearing today and yesterday we will be hearing them again tomorrow.

There is no other way that we can encourage our people today, especially the young people, except that they are going to the areas where they can obtain some higher learning. Education, this is their livelihood. This is going to be their life.

Our reservations are not to the point where they can accommodate everyone. There have to be others. Other ways. I was very confused a few years ago when our government started recognizing the very young to the eldest. They had a place for them within the society. That brought up the hopes and brought up some encouragement to those people, especially to those people with those little children. Today I see that those little ones are being threatened that their program may be cut out, maybe reduced so that perhaps it won't even function. I am talking about the Head Start Program. Those young people need that beginning. Those young people need to be encouraged.

We often hear too many times that the people on the reservations just want handouts. That's not true. There are a lot of people who want handouts. Our people, they are proud, they would like to earn that which they are given. When it comes to welfare they are the first people that are attacked. Let me tell you, welfare to those people who



HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

are in need of it is not a disgrace. It's a right. But how can we have our people, and we from the reservations, on the reservations be self-sufficient without having an opportunity to open up the kind of things that will create things for our people on the reservations.

And I'm talking about jobs. We are the greatest with unemployment. The Blackfeet nation sometimes goes as high as 80 percent with unemployment. We don't have the kinds of things to be able to make available to our people. That is why I think our Indian people today are doing everything to develop those kinds of resources that we have in our areas. So that it may generate the kinds of things that are needed to help our people. To begin to look in that area that maybe one of these days we may become self-sufficient.

And I'm not saying that we don't have the people who can do the work and take the leadership in different areas, but there are other things that our governments can help to bring us up to the point that they want to see us in and to the areas we want to be in. There are things happening within this country that sometimes we are very frustrated.

There is something taking place right now with many tribes. That's the gaming. All the tribes are reporting that they are making money to help themselves. But when it comes to us within the state of Montana, we are battling, we are fighting. Again, it's that jurisdiction. There are those strings that want to be attached. But yet the communities outside of our reservations are into gaming. And there is not a limit to what they are doing. But when it comes to us Indians, that limitation starts. You go just so much, just so high, or you can do just so much -- then you can't do anymore.

This is not a good relationship; this is not guidance. This is not the kind of thing that will encourage us to do the kinds of things that will help us. A lot of times there is a misinterpretation of our laws, our authorities. Sometimes, some intend to think that the laws of this state supersede the laws of our times. We respect your laws, the state laws and likewise we certainly ask that you will give us the same courtesy and respect the laws that we have.

Sometimes when we walk into this beautiful Capitol building, we as natives feel that we don't belong here. That we have no part of this building. We feel that we are strangers. But let me tell you that we as the Indian people better start coming here. Better start feeling that this is our right. We better start finding out what is happening within the state government especially when it pertains to the Indian tribes. Sometimes we never know what is taking place. All of a sudden a law is presented to us: this is what's going to take place. I think we have leaders who can sit down and begin to work with people who want to work with us.

There are many people out there today that have very poor health. Our reservations need the health care. But we don't want it in a way where it's going to be so complicated that we will not be part of it. I have always said that health is number one within our lives. If we do not have the kind of health that we want and should have, we cannot function and be able to do anything. So that's number one.

Yet, we hear the people who make the laws, we hear the people who can help within these areas coming out with all kinds of laws and regulations, rules that this is what you are going to have to do in order to be part of it, in order to continue being part of it. And people are arguing amongst themselves; leaders are arguing amongst themselves over this particular issue. But while they are arguing up here, there are people down here that are suffering, that are in need of help. We have not only a tribal people, we have people within the state of Montana that are natives. But they feel that they don't belong nowhere.

They are confronted with the same kinds of things, but they are seeking the same kinds of help that others are. They are confronted with the same kinds things.

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

And it's the urban people, especially, the landless people. They're people, they're natives. The only way that our governments want to help these people, they say we are going to take from you people. There should be something that they can take from to help them, other than taking from the other tribes. I don't agree. Today I am making a plea to you very distinguished legislators. You are here because you pledged that you can and will help correct those things that you see are wrong. We are here asking that we as a natives of the state of Montana will be part of that consideration, that we will be part of that which you want to correct.

Sometimes we see headlines: the natives are getting poorer all the time. There was one headline in Glacier County saying that the Blackfeet, Glacier County is one of the poorest counties. We are part of that county, Blackfeet people. And sometimes we feel that we become poorer because we are always at the bottom. I certainly admire some of my fellow Indian people today that have gained a profession and they done it on their own. They took on that task and they took it as a challenge. Today they are receiving some rewards for it. We have many more of our young people today who are wanting to do the same, to reach the same goals that these people have. But they are being held back in many ways.

It's so difficult for we as a natives many times to walk into any business place and be able to do the kinds of things we want to do because many things come against us while we can be part of the things that take place to the rest of the American citizens.

But, nevertheless, the efforts are still there. We are still making a way to help one another. Indian people are very close. It's part of our tradition. If anyone is in need of help, we are ready to help one another. I receive calls, I am sure the rest of the leaders do. People that live away from our reservations sometimes will call and say, "I want to come home." I would ask "Why?" and they would say, "Our jobs terminated." I would answer, "Well, we don't have jobs neither." But the answer they would give me, they would say, "At least we are home." It's that togetherness, that closeness: that's why they are answering that way.

We do not close our reservations to anyone. We don't restrict anyone to come to our reservations. In fact, we want people to come and see the kinds of things that we stand for, the kinds of things that we are doing so that they will actually know these are the kinds of efforts, these are the kinds of things that the tribal leaders and the people from the reservations are doing. Sometimes people can be very close to our reservation but never know anything about that reservation. How can we communicate when we isolate ourselves from the places? How can we work together when we point to one another so different?

I have said this before and I will say it again. If I knew, and I'm sure the rest of the leaders, if I knew that we came from somewhere, although we are told we are from somewhere else into this continent, but as long as I remember and as long as I know, and as long as I hear that we were here before the coming of the white man. But, if I knew I came from somewhere else, I would be reluctant to say give us the backing. But because I am here, I am part of the place where we are at. We need that same kind of help. We need the same kind of recognition. And we need to begin to realize that our reservations have helped contribute to this so-called America. If it's oil and gas, it doesn't stay on the reservation... It is something that our ancestors lived for and lived with. But yet, we are willing to share; we are willing to do the kinds of things that will help one another.

We are very criticized, we as the leaders from the reservations here in Montana, when we talk about taxes. That's been done for years and years on our reservation by someone else. But when we start talking about collecting a few taxes to help ourselves, then people are critical about us. There are many services on the reservation that are unmet. Many times it is left to us as the tribal leaders to find the ways to meet those kinds of needs. It makes it awfully difficult at times to be able to answer people who need those kinds of help. Today we may be okay. You and I, perhaps all of us here in a position where if things become very difficult we can go somewhere else, perhaps do quite well, especially we from the reservation. We have people back there that are in need of help. They are



HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

not in a position when they are just able to go out and do the kinds of things that other people can. I guess what I am saying is that as long as things are okay with us, we think that everybody else is the same.

There is a lot of suffering. We are doing the best we can with our law and order, problems with our tribal courts. We are not sitting back. We are trying to do the best we can to have the kind of law and order system within our reservation. We are willing to work with other court systems whenever we are able to do something. There is a lot of violence not only on the reservation, but throughout this whole nation, but many times we feel that a lot of things that are happening within our areas, like if it's only us and we are wanting to do the kinds of things to protect us, to try to have some protection for our people. These young people today, they are the victims of all those things that are happening today. But yet they are making a stand. Our schools, we need to work to the point where our children can feel comfortable, and will want and be willing to go on and seek and find that education that we often encourage them to get. I don't know how else and what else we can do to convince you that we have our reservations. We have resources. We have the kinds of things that we are willing to use to develop those things that we have and to be able to be part of the things that can help us.

I have mentioned just one: gaming. That's being disputed. We are being told that certain things must happen before you can be part. But again I'm asking that you have a new beginning here at the Montana State Legislature.

You are here because you are knowledgeable. You have that background. And I'm sure you are here because you want to represent those people that you have said you are going to represent to the best of your abilities. We have some Indian people representing the Indian people. They know where they are coming from. They know what's happening today. And they can see ahead what might happen. We the leaders, we know what's taking place. That is why we are here. That is why we are constantly reminding people, making contacts, that there are things that are needed. And so, if there is going to be a government-to-government, let's make it real. Let's make it a two-way thing, not one way.

As you look ahead, you may have a goal; we as the Indian people have that goal, too. And we are telling our children: whatever you achieve, it's going to be an achievement. That you can help yourself, you can help others and perhaps you can take the lead to help all that you are able to help. Today my fellow tribal leaders, tribal chairman, their task is not easy. Whenever we come to gatherings such as this, we're not here just to be making an appearance. We are here because we are expected to make contacts, to find ways, to find something that we can bring back to our people and be able to say that there are things happening, there are things going to happen, and let us say that there is going to be a better tomorrow for our young people, for our elders, for the reservation and that we can continue contributing to this great nation we call America.

We have young men today, young women today even from our own native areas, who are abroad in the armed forces. They are not hesitant to be part of that protection that we need here at home. It is they that made it possible that we can continue gathering such as we are doing. During Desert Storm, there were some very sad moments, but it was those young, brave men and women that are over there helping protect. WE as a natives, our young people, our young men and women, they weren't afraid. They wanted to go and be part of the protection that we wanted. There are no separations, I have said this before while they were there. It is only when we come back here that we begin to separate from one another. But as long as they were over there, they were all together. They had one thing in mind. They wanted to protect our homeland.

That's what makes America strong. That's what makes Montana strong. That's what makes our reservations strong. And, so let's join together. Let's be real to one another and let's try to make that communication real and that unity.

With that, I am deeply honored and again, especially to my tribal leaders, for having this opportunity to express



HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

the kinds of things that I have seen and see today and I'm hoping will be better tomorrow. I have been in this leadership for 40 years. I have seen a lot of things. That is why I say that there has got to be something more real. Give us something to encourage us, that we can encourage our people and bring something to develop those kinds of things that need to be developed.

Thank you.

Chairman Old Person was escorted from the House Chamber by the escort committee.

Sergeants-at-Arms Meuli and Cramer escorted the distinguished guests from the House Chamber.

Senator Harp moved the joint session of the 54th Legislature be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

Majority Leader Grinde moved that the House recess until 1:30 p.m. Motion carried.

House recessed at 12:05 p.m.

House reconvened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Robert C. Clark. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Devaney, Ellis, Fuchs, Hayne, Marshall, Rose, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 1/18/95  
Correctly printed for second reading: HB 37, HB 210.  
Correctly engrossed for third reading: HB 25, HB 44, HB 49, HB 51, HB 77, HB 91, HB 99, HB 126, HJR 3.

JUDICIARY (Clark, Chairman): 1/17/95  
**HB 37**, introduced bill, do pass. Report adopted.

**SB 7**, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 1/18/95  
**HB 140**, introduced bill, be amended as follows:

1. Title, line 5.  
Strike: "INSTEAD OF"  
Insert: "IN ADDITION TO"

2. Page 1, line 14.  
Following: "purchase"  
Insert: "for \$10 each"  
Strike: "copy"  
Insert: "set"

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Following: "of the"

Insert: "printed and bound"

Strike: "from" through "legislator"

3. Page 1, line 15.

Strike: "may" through "bound"

4. Page 1, line 17.

Strike: "or the"

Insert: "and one"

And, as amended, do pass. Report adopted.

**HB 210**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence:

1/18/95

**SB 32**, introduced by Gage

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

- HB 251**, introduced by Squires, referred to Committee on Taxation.
- HB 252**, introduced by Squires, referred to Committee on Business & Labor.
- HB 253**, introduced by Barnhart, referred to Committee on Judiciary.
- HB 254**, introduced by Ewer, referred to Committee on Highways & Transportation.
- HB 255**, introduced by Quilici, referred to Committee on Business & Labor.
- HB 256**, introduced by Somerville, referred to Committee on Judiciary.
- HB 257**, introduced by Ellingson, referred to Committee on Business & Labor.
- HB 258**, introduced by Bohlinger, referred to Committee on Judiciary.
- HB 259**, introduced by Tuss, referred to Committee on Local Government.
- HB 260**, introduced by Tuss, referred to Committee on Local Government.
- HB 261**, introduced by Wennemar, referred to Committee on Local Government.
- HB 262**, introduced by Menahan, referred to Committee on Fish & Game.
- HB 263**, introduced by Curtiss, referred to Committee on Natural Resources.
- HB 264**, introduced by Ellis, referred to Committee on Business & Labor.
- HB 265**, introduced by Swanson, referred to Committee on Taxation.
- HB 266**, introduced by Menahan, referred to Committee on Appropriations.
- HB 267**, introduced by Ream, referred to Committee on Appropriations.
- HB 268**, introduced by Ahner, referred to Committee on State Administration.
- HB 269**, introduced by Ellingson, referred to Committee on Business & Labor.
- HB 270**, introduced by McCulloch, referred to Committee on Local Government.
- HB 271**, introduced by McCulloch, referred to Committee on Judiciary.
- HB 272**, introduced by Stovall, referred to Committee on Business & Labor.

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

**HB 273**, introduced by Grinde, referred to Committee on State Administration.  
**HB 274**, introduced by Wagner, referred to Committee on Natural Resources.  
**HB 275**, introduced by Wiseman, referred to Committee on State Administration.  
**HB 276**, introduced by Keenan, referred to Committee on Business & Labor.  
**HJR 11**, introduced by Tuss, referred to Committee on Local Government.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 32**, introduced by Gage, referred to Committee on Human Services & Aging.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Clark in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 20** - Representative Pavlovich moved HB 20 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Murdock, Nelson, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Squires, Story, Stovall, Swanson, Taylor, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook.

Total 68

Noes: Barnett, Bergman, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Devaney, Feland, Fuchs, Green, Grinde, Jore, Kadas, Kasten, Keenan, Knox, McKee, Molnar, Ohs, Orr, Rehbein, Sliter, S. Smith, Soft, Somerville, Tash, Trexler, Vick, Wagner, Mr. Speaker.

Total 31

Voted Absentee: Ellis, Hayne, Marshall, Rose, Ayes; Devaney, Fuchs, Noes.

Excused: None.

Total 0

Absent or not voting: Pavlovich.

Total 1

**HB 35** - Representative Cobb moved HB 35 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy



HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Schwinden.  
Total 1

Voted Absentee: Devaney, Ellis, Fuchs, Hayne, Marshall, Rose, Ayes.

Excused: None.  
Total 0

Absent or not voting: Barnhart, Simon.  
Total 2

Representative Hayne present in the Chamber.

**HB 76** - Representative R. Johnson moved HB 76 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Murdock, Schwinden.  
Total 2

Voted Absentee: Devaney, Ellis, Rose, Ayes.

Excused: Fuchs, Marshall.  
Total 2

Absent or not voting: M. Hanson, McCann, Simpkins.  
Total 3

**HB 121** - Representative Simon moved HB 121 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: McCann, Tuss.

Total 2

Voted Absentee: Devaney, Rose, Ayes.

Excused: Ellis, Fuchs, Marshall.

Total 3

Absent or not voting: Menahan.

Total 1

**HB 139** - Representative R. Johnson moved HB 139 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Devaney, Ellis, Fuchs, Marshall, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: Larson.

Total 1

**HB 118** - Representative Grinde moved that consideration on HB 118 be passed for the day. Motion carried.

Representative Rose present in the Chamber.

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

**HB 144** - Representative Harrington moved HB 144 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Devaney, Aye.

Excused: Ellis, Fuchs, Marshall.

Total 3

Absent or not voting: None.

Total 0

**SB 16** - Representative Sliter moved SB 16 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Rehbein, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Barnhart, Boharski, Carey, Cobb, Ellingson, Galvin, Hagener, Harrington, Jore, Kadas, Larson, Martinez, McCann, McCulloch, Quilici, Ream, Rose, Shea, Squires, Tuss, Wennemar, Wyatt.

Total 22

Voted Absentee: Devaney, Ellis, Marshall, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed.



HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Mr. Speaker in the Chair. Chairman Clark moved that the Committee of the Whole report be adopted. Report adopted. (89-1)

**MOTIONS**

**HB 94** - Representative Grinde moved HB 94 be taken from third reading and rereferred to the Committee on Fish & Game. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 25** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Devaney, Ellis, Ayes.

Excused: Fuchs, Marshall.  
Total 2

Absent or not voting: None.  
Total 0

**HB 44** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Total 96

Noes: None.

Total 0

Voted Absentee: Devaney, Ellis, Ayes.

Excused: Fuchs, Marshall.

Total 2

Absent or not voting: Jore, Sliter.

Total 2

**HB 49** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Masolo, McCann, McCulloch, McGee, McKee, Mills, Murdock, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Tropila, Tuss, Vick, Wells, Wennemar, Wyatt, Zook.

Total 73

Noes: Anderson, Bergman, Bergsagel, Brainard, Curtiss, Feland, Fuchs, Green, M. Hanson, Jore, Kottel, Martinez, Molnar, Ohs, Orr, Rehbein, Rose, Sliter, S. Smith, Taylor, Trexler, Wagner, Wiseman, Mr. Speaker.

Total 24

Voted Absentee: Devaney, Aye; Fuchs, No.

Excused: Ellis, Marshall.

Total 2

Absent or not voting: Menahan.

Total 1

**HB 51** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Total 90

Noes: Brainard, Green, Heavy Runner, Jore, S. Smith, Story, Taylor, Wagner.

Total 8

Voted Absentee: Devaney, Ellis, Ayes.

Excused: Fuchs, Marshall.

Total 2

Absent or not voting: None.

Total 0

**HB 77** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergman, Boharski, Brainard, Jore.

Total 4

Voted Absentee: Devaney, Ellis, Ayes.

Excused: Fuchs, Marshall.

Total 2

Absent or not voting: Carey.

Total 1

**HB 99** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.



HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Total 94

Noes: Boharski, Jore, S. Smith.

Total 3

Voted Absentee: Devaney, Ellis, Fuchs, Ayes.

Excused: Marshall.

Total 1

Absent or not voting: Sliter, Tuss.

Total 2

**HJR 3** passed as follows:

Ayes: Ahner, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Grady, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 61

Noes: Anderson, Barnett, Bergman, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Fuchs, Green, Grimes, Grinde, M. Hanson, Jore, Kasten, Keenan, Knox, McGee, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Sliter, S. Smith, Soft, Somerville, Story, Taylor, Trexler, Vick, Wagner, Zook.

Total 37

Voted Absentee: Devaney, Fuchs, Noes.

Excused: Ellis, Marshall.

Total 2

Absent or not voting: None.

Total 0

**HB 126** passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Noes: Anderson, Arnott, Boharski, Brainard, Denny, Grinde, Jore, Kasten, Molnar, Rehbein, S. Smith, Story, Taylor, Trexler, Wagner.  
Total 15

Voted Absentee: Devaney, Aye.

Excused: Ellis, Fuchs, Marshall.  
Total 3

Absent or not voting: None.  
Total 0

**HB 91** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Barnhart, Brainard, Curtiss, Forbes, Kasten, Knox, McGee, Ryan, Simpkins, Tuss, Wagner, Wells.  
Total 12

Voted Absentee: Devaney, Ellis, Ayes.

Excused: Fuchs, Marshall.  
Total 2

Absent or not voting: Feland, Hagener.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BUSINESS & LABOR** (Simon, Chairman): 1/18/95

**HB 152**, introduced bill, do pass. Report adopted.

**HB 163**, introduced bill, do pass. Report adopted.

**HB 193**, introduced bill, do pass. Report adopted.

**LOCAL GOVERNMENT** (Boharski, Chairman): 1/18/95

**HB 115**, introduced bill, be amended as follows:

1. Title, line 4.

HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

Strike: "FROM"  
Insert: "TO"  
Strike: "DAYS TO 12"

2. Page 1, line 15.  
Strike: "12"  
Insert: "10"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):  
SB 20, be amended as follows:

1/18/95

1. Page 1, line 17.  
Strike: "The"  
Insert: "If an orientation for legislators is provided, the"  
Following: "presentation of"  
Strike: "an"  
Insert: "the"  
Following: "orientation"  
Strike: "for"

2. Page 1, line 18.  
Strike: "legislators"

And, as amended, be concurred. Report adopted.

TAXATION (Hibbard, Chairman):  
HB 96, introduced bill, be amended as follows:

1/18/95

1. Title, line 6.  
Strike: "AND"

2. Title, line 7.  
Following: "MCA"  
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 8.  
Following: line 7  
Insert: "WHEREAS, the Legislature has specifically exempted vehicles owned by special districts from various vehicle fees because it considers the use of taxpayer money to pay taxes to other tax entities to be counter to good government; and  
WHEREAS, a private business that competes with governmental entities is required to pay fees that the governmental entity does not have to pay, yet when comparing costs of services provided by government and by private business, this consideration is often not factored into the equation.  
THEREFORE, the Legislature recognizes the costs and consequences of this situation and encourages all parties, when comparing private versus government costs, to consider costs that are incurred by private business but not by government."



HOUSE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 18, 1995

4. Page 9.

Following: line 27

Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 138**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "THAT" through "31"

2. Page 1, line 14.

Strike: "September 15"

Insert: "October 31"

And, as amended, do pass. Report adopted.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 232: Representative Brainard, Representative Keenan, Representative Curtiss, Senator Baer, Senator Emerson, Representative Wells, Representative McGee, Representative Rehbein, Representative Clark, Representative Menahan.

The following sponsors were added to HB 268: Representative Harrington, Representative Menahan, Representative Carey, Representative Tuss, Senator Bartlett, Representative Quilici, Representative Hayne, Senator Van Valkenburg, Senator Halligan, Senator Waterman.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, January 19, 1995. Motion carried.

House adjourned at 2:20 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 19, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Antoinette R. Hagener. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Barnhart, Masolo, Swanson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/19/95  
Correctly printed for second reading: HB 96, HB 115, HB 138, HB 140, HB 152, HB 163, HB 193, HB 171, HJR 1.  
Correctly engrossed for third reading: HB 20, HB 35, HB 76, HB 121, HB 139, HB 144.

**BUSINESS & LABOR** (Simon, Chairman): 1/19/95  
**SB 100**, be concurred in. Report adopted.

**HUMAN SERVICES & AGING** (Grimes, Chairman): 1/19/95  
**HJR 1**, introduced bill, do pass. Report adopted.

**STATE ADMINISTRATION** (Simpkins, Chairman): 1/19/95  
**SB 14**, be concurred in. Report adopted.

**TAXATION** (Hibbard, Chairman): 1/19/95  
**HB 171**, introduced bill, be amended as follows:

Technical Amendments

*Corrects reference to incorrect line*

1. Page 2, line 15.

Strike: "26"

Insert: "27"

*Deletes the codification instruction for short title*

2. Page 4, line 30.

Strike: "Sections 1 and"

Insert: "Section"

Strike: "are"

Insert: "is"

3. Page 5, line 2.

Strike: "sections 1 and"

Insert: "section"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/19/95

**SB 36**, introduced by Bishop  
**SB 59**, introduced by Crippen  
**SB 69**, introduced by Holden

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 277**, introduced by Hurdle, referred to Committee on Education & Cultural Resources.  
**HB 278**, introduced by Holland, referred to Committee on Agriculture, Livestock & Irrigation.  
**HB 279**, introduced by Ohs, referred to Committee on Appropriations.  
**HB 280**, introduced by Barnett, referred to Committee on Agriculture, Livestock & Irrigation.  
**HB 281**, introduced by Kitzenberg, referred to Committee on Education & Cultural Resources.  
**HB 282**, introduced by Ewer, referred to Committee on Local Government.  
**HB 283**, introduced by Tropila, referred to Committee on State Administration.  
**HB 284**, introduced by Tropila, referred to Committee on State Administration.  
**HB 285**, introduced by Larson, referred to Committee on Business & Labor.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 36**, introduced by Bishop, referred to Committee on Judiciary.  
**SB 59**, introduced by Crippen, referred to Committee on Judiciary.  
**SB 69**, introduced by Holden, referred to Committee on Judiciary.

**MOTIONS**

Representative Simon moved the rules be suspended to permit placement and consideration of SB 100 on second and third readings and transmittal to the Senate this legislative day. Motion carried.

Representatives Barnhart and Masolo present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Feland in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 100** - Representative Quilici moved SB 100 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,



HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Jore, Peck.  
Total 2

Voted Absentee: Swanson, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 118** - Representative Devaney moved HB 118 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 88

Noes: Arnott, Curtiss, Fisher, Jore, Keenan, McCann, Nelson, Peck, Schwinden, Wagner, Wyatt.  
Total 11

Voted Absentee: Swanson, Aye.

Excused: None.  
Total 0

Absent or not voting: L. Smith.  
Total 1

**HB 37** - Representative Ellingson moved HB 37 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington,

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Rose.

Total 1

Voted Absentee: Swanson, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 140** - Representative Kadas moved HB 140 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Swanson, Aye.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

**SB 7** - Representative Kottel moved SB 7 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan,

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: DeBruycker.

Total 1

Voted Absentee: Swanson, Aye.

Excused: None.

Total 0

Absent or not voting: Story.

Total 1

Representative Swanson present in the Chamber.

**SJR 1** - Representative Grinde moved SJR 1 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Cobb moved SJR 1, third reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Clark, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McGee, Menahan, Nelson, Pavlovich, Peck, Raney, Ream, Ryan, Schwinden, Shea, Simon, L. Smith, Somerville, Squires, Swanson, Tropila, Tuss, Wells, Wennemar, Wyatt.

Total 41



HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McKee, Mills, Molnar, Murdock, Ohs, Orr, Quilici, Rehbein, Rose, Simpkins, Sliter, S. Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wiseman, Zook, Mr. Speaker.

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Cobb moved SJR 1, third reading copy, be amended (amendment #2). Amendment #2 failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McGee, Menahan, Mills, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Squires, Swanson, Tropila, Tuss, Wagner, Wells, Wennemar, Wyatt.

Total 44

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McKee, Molnar, Murdock, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wiseman, Zook, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kadas moved SJR 1, third reading copy, be amended (amendment #3). Amendment #3 failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Molnar, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Vick, Wennemar, Wyatt.

Total 38

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story,

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

Stovall, Tash, Taylor, Trexler, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 60

Excused: None.  
Total 0

Absent or not voting: Bohlinger, Somerville.  
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Feland moved that the Committee of the Whole report be adopted. Report adopted. (76-22)

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SB 100** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Jore, Peck.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Forbes, Hibbard, R. Johnson.  
Total 3

**REPORTS OF STANDING COMMITTEES**

**BUSINESS & LABOR** (Simon, Chairman):  
**HB 66**, introduced bill, be amended as follows:

1/19/95

1. Title, line 8.  
Following: "INDUSTRY;  
Insert: "AUTHORIZING THE DEPARTMENT TO ESTABLISH BY ADMINISTRATIVE RULE BOILER  
ENGINEER LICENSE FEE SCHEDULES AND APPROPRIATE TRAINING COURSES; CLARIFYING

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

BOILER ENGINEER EXPERIENCE REQUIREMENTS; ESTABLISHING A NEW CLASS OF  
LICENSE FOR SEASONAL AGRICULTURAL PURPOSES; MODIFYING HOISTING ENGINEER  
LICENSE STANDARDS TO INCLUDE EITHER CRANE BOOM LENGTH OR TONNAGE RATING;"

2. Title, line 8.

Following: "37-72-101,"

Insert: "39-71-201, 50-74-303,"

Following: "50-74-308,"

Insert: "50-74-309,"

3. Page 2.

Following line 4:

Insert: "**Section 2.** Section 39-71-201, MCA, is amended to read:

**"39-71-201. Administration fund.** (1) A workers' compensation administration fund is established out of which all costs of administering the Workers' Compensation and Occupational Disease Acts and the various occupational safety acts the department must administer, with the exception of the subsequent injury fund, as provided for in 39-71-907, and the uninsured employers' fund, are to be paid upon lawful appropriation. The following money collected by the department must be deposited in the state treasury to the credit of the workers' compensation administrative fund and must be used for the administrative expenses of the department:

(a) all fees and penalties provided in 39-71-205 and 39-71-304;

(b) all fees paid for inspection of boilers ~~and issuance of licenses to operating engineers~~ as required by law;

(c) all fees paid from an assessment on each plan No. 1 employer, plan No. 2 insurer, and plan No. 3, the state fund. The assessments must be levied against the preceding calendar year's gross annual payroll of the plan No. 1 employers and the gross annual direct premiums collected in Montana on the policies of the plan No. 2 insurers, insuring employers covered under the chapter, during the preceding calendar year. However, an assessment of the plan No. 1 employer or plan No. 2 insurer may not be less than \$200. If at any time during the fiscal year a plan No. 1 employer is granted permission to self-insure or a plan No. 2 insurer is authorized to insure employers under this chapter, that plan No. 1 employer or plan No. 2 insurer is subject to assessment. The assessments must be sufficient to fund the direct costs identified to the three plans and an equitable portion of the indirect costs based on the ratio of the preceding fiscal year's indirect costs distributed to the plans, using proper accounting and cost allocation procedures. Plan No. 3 must be assessed an amount sufficient to fund the direct costs and an equitable portion of the indirect costs of regulating plan No. 3. Other sources of revenue, including unexpended funds from the preceding fiscal year, must be used to reduce the costs before levying the assessments.

(2) The administration fund must be debited with expenses incurred by the department in the general administration of the provisions of this chapter, including the salaries of its members, officers, and employees and the travel expenses of the members, officers, and employees, as provided for in 2-18-501 through 2-18-503, as amended, incurred while on the business of the department either within or without the state.

(3) Disbursements from the administration money must be made after being approved by the department upon claim therefor."

"**Section 3.** Section 50-74-303, MCA, is amended to read:

**"50-74-303. Engineer's license classifications.** (1) Engineers entrusted with the operation, care, and management of steam or water boilers and steam machinery, as specified in 50-74-302, are divided into ~~four~~ five classes, namely: first-class engineers, second-class engineers, third-class engineers, agricultural-class engineers and low-pressure engineers.

(2) Licenses for the operation of steam or water boilers and steam machinery are divided into ~~four~~ five classifications in accordance with the following schedule:



HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

(a) First-class engineers are licensed to operate all classes, pressures, and temperatures of steam and water boilers and steam-driven machinery with the exception of traction and hoisting engines.

(b) Second-class engineers are licensed to operate steam boilers operating not in excess of 250 pounds per square inch gauge saturated steam pressure, water boilers operating not in excess of 375 pounds per square inch gauge pressure and 450 degrees F temperature, and steam-driven machinery not to exceed 100 horsepower per unit, with the exception of traction and hoisting engines.

(c) Third-class engineers are licensed to operate steam boilers operating not in excess of 100 pounds per square inch gauge saturated steam pressure and water boilers operating not in excess of 160 pounds per square inch gauge pressure and 350 degrees F temperature.

(d) Agricultural-class engineers are licensed to operate steam boilers that operate not in excess of 150 pounds per square inch saturated steam pressure and that:

(i) are not operated for more than 6 months of the year; and

(ii) are not operated for purposes other than the harvesting or processing of agricultural products.

(e) Low-pressure engineers are licensed to operate steam boilers operating not in excess of 15 pounds per square inch gauge pressure and water boilers operating not in excess of 50 pounds per square inch gauge pressure and 250 degrees F temperature. ""

Renumber: subsequent sections

4. Page 2, line 10.

Page 2, line 15.

Page 2, line 20.

Page 3, line 2.

Page 7, line 2.

Page 7, lines 13 and 14.

Strike: "over 18 years of age"

Insert: "18 years of age or older"

5. Page 2, line 10.

Following: "for"

Strike: "a"

Insert: "an agricultural-class engineer's license or a"

6. Page 2, line 11.

Following: "a boiler in"

Strike: "this"

Insert: "the appropriate"

7. Page 4, following line 17.

Insert: "Section 8. Section 50-74-309, MCA, is amended to read:

"**50-74-309. License fees.** ~~Applicants~~ (1) An applicant for an engineer's license shall pay ~~fees~~ a fee according to the class of license for which application is made, as specified ~~in the following schedule:~~

~~(1) first class — \$30~~

~~(2) second class — \$20~~

~~(3) third class — \$12~~

~~(4) low pressure — \$ 8~~

~~(5) traction — \$12~~

~~(6) renewal of license — \$ 4~~

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

~~(7) replacement of lost certificate — \$ 2 by department rule.~~

(2) The fee is subject to the provisions of 37-1-134 and must be deposited in the state special revenue fund for the use of the department of commerce.

Renumber: subsequent sections

8. Page 5, line 26.

Strike: "over"

Following: "age"

Insert: "or older"

9. Page 6, line 24.

Following: "rating of"

Strike: "above"

Insert: "more than"

Following: "tons"

Strike: "and"

Insert: "or"

10. Page 7, line 11.

Following: "6 tons"

Strike: "and"

Insert: "or"

11. Page 7, lines 25 and 26.

Strike: "over" on line 25

Following: "age" on line 26

Insert: "or older"

12. Page 8, line 3.

Following: "commerce"

Strike: "in the same manner and the"

Insert: "and submitted with the appropriate fee that is set commensurate with the cost of administering this program, to be deposited in the state special revenue fund for use by the department. The"

And, as amended, do pass. Report adopted.

**HB 68**, introduced bill, be amended as follows:

1. Title, line 8.

Following: "BOILER"

Strike: "ENGINEER LICENSE FEE SCHEDULES"

Following: second "SCHEDULES"

Strike: ", AND APPROPRIATE"

2. Title, line 9.

Strike: "TRAINING COURSES"

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

3. Title, line 10.

Strike: "CLARIFYING BOILER ENGINEER EXPERIENCE REQUIREMENTS;"

4. Title, line 12.

Strike: line 12 in its entirety

5. Title, line 13.

Strike: "TONNAGE RATING;"

6. Title, line 14.

Strike: "50-74-304,"

Insert: "AND"

Following: "50-74-305,"

Strike: "50-74-309, AND 50-76-103,"

7. Page 1, line 29.

Following: "employer"

Insert: "and an employee representative"

8. Page 2, line 19.

Following: "rules"

Strike: "."

9. Page 2, line 20.

Strike: line 20 in its entirety

10. Page 2, line 21.

Strike: "(b)"

Following: "inspections"

Insert: "."

Strike: " and "

11. Page 2, line 22.

Strike: line 22 in its entirety

12. Page 2, line 30 through page 4, line 10.

Strike: **Section 5** in its entirety

Renumber: subsequent sections

13. Page 4, line 30 through page 6, line 13.

Strike: **Sections 7 and 8** in their entirety

And, as amended, do pass. Report adopted.

**HB 148**, introduced bill, be amended as follows:

1. Page 8, line 3.

Following: "qualify"



HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

Strike: "shall"

And, as amended, do pass. Report adopted.

**HB 216**, introduced bill, do pass. Report Adopted.

**HB 243**, introduced bill, be amended as follows:

1. Title, line 6 and line 7.

Following: "DELINQUENCY FEES;" on line 6

Strike: "PROVIDING FOR NONAPPLICABILITY TO CERTAIN LAPSED LICENSES;"

2. Page 1, line 20.

Following: "~~for original licenses.~~"

Insert: "It is unlawful for a person who refuses or fails to pay the renewal fee to practice electrical work in this state."

3. Page 1, line 26 through line 27.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/19/95

**HB 42**, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "who"

Insert: ", after September 30, 1995,"

2. Page 1, line 16.

Following: "who"

Insert: ", after September 30, 1995,"

Following: "installation of"

Strike: "a"

Insert: "the"

3. Page 1, lines 18 and 19.

Following: "to" on line 18

Strike: "three" through second "or" on line 19

Following: "\$500" on line 19

Strike: ", " through "greater"

4. Page 1.

Following: line 9

Insert:

**"STATEMENT OF INTENT"**

It is the intent of the legislature that the department of state lands and the board of land commissioners use this legislation to ensure that all use of state lands is in the best interests of the state and returns full market value to the school trust. The legislature intends that the penalty

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 19, 1995

amounts established in the bill be used as maximums and expects the board to set appropriate specific penalty amounts on a case-by-case basis, taking into account the facts of the situation. It is not the intent of the legislature that the board impose the maximum penalty without sufficient justification. Nothing in this legislation should be construed as requiring the department or board to change or increase its current state lands trespass enforcement efforts."

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, January 20, 1995. Motion carried.

House adjourned at 3:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 20, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Loren L. Soft. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the Thirteenth and Fourteenth legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/20/95  
Correctly printed for second reading: HB 42, HB 66, HB 68, HB 148, HB 216, HB 243, HB 170, HB 86, HB 106, HB 146, HB 180, HB 178.  
Correctly engrossed for third reading: HB 37, HB 118, HB 140.

**AGRICULTURE, LIVESTOCK & IRRIGATION** (Barnett, Chairman): 1/19/95  
**HB 170**, introduced bill, do pass. Report adopted.

**HIGHWAYS & TRANSPORTATION** (Anderson, Chairman): 1/19/95  
**HB 86**, introduced bill, do pass. Report adopted.

**HB 180**, introduced bill, do pass. Report adopted.

**HB 146**, introduced bill, do pass. Report adopted.

**JUDICIARY** (Clark, Chairman): 1/19/95  
**SB 6**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Simpkins, Chairman): 1/20/95  
**HB 106**, introduced bill, do pass. Report adopted.

**HB 178**, introduced bill, be amended as follows:

1. Page 2, line 26.  
Strike: "agents"  
Insert: "agencies"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 20, 1995

1/20/95

**SB 46**, introduced by Swysgood  
**SB 60**, introduced by Crippen  
**SB 65**, introduced by Doherty  
**SB 108**, introduced by Holden  
**SJR 3**, introduced by Benedict

House bills concurred in and returned to the House:

1/20/95

**HB 22**, introduced by Squires  
**HB 23**, introduced by H. Hanson  
**HJR 5**, introduced by Cobb

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 286**, introduced by Pavlovich, referred to Committee on Business & Labor.  
**HB 287**, introduced by Ream, referred to Committee on Taxation.  
**HB 288**, introduced by Marshall, referred to Committee on Fish & Game.  
**HB 289**, introduced by Soft, referred to Committee on Local Government.  
**HB 290**, introduced by DeBruycker, referred to Committee on Judiciary.  
**HB 291**, introduced by Fuchs, referred to Committee on Fish & Game.  
**HB 292**, introduced by Fuchs, referred to Committee on Natural Resources.  
**HB 293**, introduced by Ream, referred to Committee on Taxation.  
**HB 294**, introduced by Ohs, referred to Committee on Highways & Transportation.  
**HB 295**, introduced by Holland, referred to Committee on State Administration.  
**HB 296**, introduced by Wells, referred to Committee on Judiciary.  
**HB 297**, introduced by Barnett, referred to Committee on Appropriations.  
**HB 298**, introduced by Galvin, referred to Committee on State Administration.  
**HB 299**, introduced by Masolo, referred to Committee on Taxation.  
**HB 300**, introduced by Masolo, referred to Committee on Education & Cultural Resources.  
**HB 301**, introduced by Soft, referred to Committee on Human Services & Aging.  
**HB 302**, introduced by J. Johnson, referred to Committee on Education & Cultural Resources.  
**HB 303**, introduced by Denny, referred to Committee on Local Government.  
**HJR 12**, introduced by Devaney, referred to Committee on Business & Labor.  
**HJR 13**, introduced by Hagener, referred to Committee on Highways & Transportation.  
**HJR 14**, introduced by Green, referred to Committee on Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 46**, introduced by Swysgood, referred to Committee on Natural Resources.  
**SB 60**, introduced by Crippen, referred to Committee on Local Government.  
**SB 108**, introduced by Holden, referred to Committee on Agriculture, Livestock & Irrigation.  
**SJR 3**, introduced by Benedict, referred to Committee on State/Federal Relations.

Representative Rose excused at this time.

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 20, 1995

Representative Wiseman excused at this time.

Representative Orr excused at this time.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Elliott in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 171** - Representative Mercer moved HB 171 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Barnhart, Bergsagel, Carey, Cobb, DeBruycker, Ellingson, Elliott, Ewer, Hagener, Harper, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Raney, Ream, Ryan, Schwinden, Squires, Swanson, Tropila, Tuss, Wennemar.

Total 30

Voted Absentee: Ohs, Orr, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 152** - Representative Simon moved consideration of HB 152 be passed for the day.

**HB 193** - Representative Simon moved consideration of HB 193 be passed for the day.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Elliott moved that the Committee of the Whole report be adopted. Report adopted. (66-29)

**MOTIONS**

**HB 210** - Representative Pavlovich moved HB 210 be removed from the consent calendar and placed on second reading the next legislative day. Motion carried.



HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 20, 1995

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 20** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Barnett, Bergman, Boharski, Brainard, DeBruycker, Denny, Devaney, Grinde, Jore, Kadas, Kasten, Keenan, Knox, Rehbein, Sliter, S. Smith, Soft, Somerville, Trexler, Vick, Wagner.

Total 21

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: Ellis, Simpkins.

Total 2

**HB 35** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Peck, Schwinden.

Total 2

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 20, 1995

Absent or not voting: Nelson.

Total 1

**HB 76** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Murdock, Schwinden.

Total 2

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: Clark, Harrington.

Total 2

**HB 121** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Rehbein, Tuss.

Total 2

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: Herron.

Total 1

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 20, 1995

**HB 139** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: Kitzenberg, McCann, Squires.

Total 3

**HB 144** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cobb.

Total 1

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: Devaney.

Total 1

**SB 16** concurred in as follows:



HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 20, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Hagener, Jore, McCulloch, Peck, Ream, Rose, Squires, Tuss, Wennemar.

Total 14

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: None.

Total 0

**HB 37** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: Larson.

Total 1

**HB 118** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs,

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 20, 1995

Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Fisher, Keenan, McCann, Schwinden, Wagner.

Total 6

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: None.

Total 0

**HB 140** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Fuchs.

Total 1

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: Hagener.

Total 1

**SB 7** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan,

HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 20, 1995

Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: None.

Total 0

**SJR 1** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Murdock, Ohs, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 63

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Molnar, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 35

Voted Absentee: Curtiss, Ohs, Ayes.

Excused: Orr, Wiseman.

Total 2

Absent or not voting: None.

Total 0

**MOTIONS**

**HB 152, HB 163, HB 193** - Representative Simon moved HB 152, HB 163, HB 193 be placed on the consent calendar.

Representative Grady made a substitute motion to place HB 152 and HB 163 on the consent calendar and place HB 193 on second reading. Motion carried.



HOUSE JOURNAL  
SEVENTEENTH LEGISLATIVE DAY - JANUARY 20, 1995

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 21, 1995. Motion carried.

House adjourned at 2:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 21, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Debbie Shea. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Heavy Runner, Rehbein, Fisher, Molnar, Ohs, Denny, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Karen Byerly, Great Falls  
Bradley McPherson, Glendive  
Craig Jensen, Polson  
Richard Sawyer, Polson  
Marti Seyfert, Lewistown  
Mick Anderson, Billings  
Sara Hagedorn, Volborg  
Callie Isakson, Fort Shaw  
Mara Brownell, Polson (permanent page)  
Jamie Buhl, Great Falls (permanent page)

Honorary Pages

Rachel Murphy, Polson

**COMMUNICATIONS AND PETITIONS**

1/20/95, 2:13 p.m.

Mr. Speaker, we the undersigned object that HB 152 was reported out of the Committee on Business and Labor with a DO PASS AND PLACE ON CONSENT CALENDAR recommendation, and request that the bill be placed on Second Reading.

Representative William Rehbein, jr.  
Representative William E. Boharski  
Representative Ed Grady

1/20/95, 2:13 p.m.

Mr. Speaker, we the undersigned object that HB 163 was reported out of the Committee on Business and Labor with a DO PASS AND PLACE ON CONSENT CALENDAR recommendation, and request that the bill be placed on Second Reading.

Representative William Rehbein, jr.  
Representative William E. Boharski  
Representative Ed Grady

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

1/21/95

Correctly engrossed for third reading: HB 171.

Correctly enrolled: HB 22, HB 23, HJR 5.

Examined by the sponsor and found to be correct:

HB 22 - Squires

HB 23 - H. Hanson

HJR 5 - Cobb

Signed by the Speaker at 8:30 a.m., 1/21/95: HB 22, HB 23, HJR 5.

**TAXATION** (Hibbard, Chairman):

1/20/95

**SB 54**, be concurred in. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 304**, introduced by Fisher, referred to Committee on Appropriations.

**HB 305**, introduced by Kadas, referred to Committee on Appropriations.

**HB 306**, introduced by Hayne, referred to Committee on State Administration.

**HB 307**, introduced by Harrington, referred to Committee on Business & Labor.

**HB 308**, introduced by Ewer, referred to Committee on Local Government.

**HB 309**, introduced by Grimes, referred to Committee on Judiciary.

**HB 310**, introduced by Barnett, referred to Committee on Business & Labor.

**HB 311**, introduced by Grinde, referred to Committee on Judiciary.

**HB 312**, introduced by Brainard, referred to Committee on State Administration.

**HB 313**, introduced by Brainard, referred to Committee on Education & Cultural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kasten in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 66** - Representative DeBruycker moved consideration of HB 66 be placed at the bottom of the second reading board. Motion carried.

**HB 68** - Representative DeBruycker moved consideration of HB 68 be placed at the bottom of the second reading board. Motion carried.

**HB 86** - Representative Simpkins moved HB 86 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,



HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Cocchiarella, Harper, Kadas, Peck, Raney, Simon, Squires, Tuss.

Total 8

Voted Absentee: Heavy Runner, Molnar, Ohs, Rehbein, Ayes.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 96** - Representative Larson moved HB 96 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Arnott, Boharski, Cobb, Denny, S. Smith.

Total 5

Voted Absentee: Molnar, Ohs, Rehbein, Ayes.

Excused: Fisher, Heavy Runner.

Total 2

Absent or not voting: None.

Total 0

**HB 106** - Representative Menahan moved HB 106 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne,

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Jore, Keenan, S. Smith, Somerville, Vick.

Total 5

Voted Absentee: Heavy Runner, Molnar, Ohs, Rehbein, Ayes.

Excused: Fisher.

Total 1

Absent or not voting: Quilici.

Total 1

**HB 115** - Representative Barnhart moved HB 115 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Story.

Total 1

Voted Absentee: Heavy Runner, Molnar, Ohs, Rehbein, Ayes.

Excused: Fisher.

Total 1

Absent or not voting: None.

Total 0

**HB 138** - Representative M. Hanson moved HB 138 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan,

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Fisher, Heavy Runner, Molnar, Ohs, Rehbein, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 146** - Representative McGee moved HB 146 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Fisher, Heavy Runner, Molnar, Ohs, Rehbein, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 148** - Representative McGee moved HB 148 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Wagner, Wells, Wennemar, Wiseman, Wyatt,



HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Zook, Mr. Speaker.  
Total 90

Noes: Arnott, Keenan, Peck, Rose, Schwinden, L. Smith, Somerville, Trexler, Tuss, Vick.  
Total 10

Voted Absentee: Fisher, Heavy Runner, Molnar, Ohs, Rehbein, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 170** - Representative Rose moved HB 170 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Molnar, Story.  
Total 2

Voted Absentee: Fisher, Heavy Runner, Ohs, Rehbein, Ayes; Molnar, No.

Excused: None.  
Total 0

Absent or not voting: Grady, R. Johnson.  
Total 2

**HB 178** - Representative Ewer moved HB 178 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Total 100

Noes: None.

Total 0

Voted Absentee: Fisher, Heavy Runner, Molnar, Ohs, Rehbein, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 180** - Representative Clark moved HB 180 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Herron.

Total 1

Voted Absentee: Fisher, Heavy Runner, Molnar, Ohs, Rehbein, Ayes.

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

**HB 193** - Representative Pavlovich moved consideration of HB 193 be placed at the bottom of the second reading board. Motion carried.

Representative Shea excused from the Chamber.

**HB 210** - Representative Pavlovich moved HB 210 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Murdock,

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Boharski.  
Total 1

Voted Absentee: Fisher, Heavy Runner, Ohs, Rehbein, Ayes.

Excused: Molnar.  
Total 1

Absent or not voting: Arnott, McKee, Shea.  
Total 3

**HB 216** - Representative Cocchiarella moved HB 216 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Fisher, Molnar, Ohs, Rehbein, Shea, Ayes.

Excused: Heavy Runner.  
Total 1

Absent or not voting: Herron.  
Total 1

**HB 243** - Representative Menahan moved HB 243 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook,



HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Mr. Speaker.  
Total 89

Noes: Ahner, Arnott, Barnhart, Denny, Grinde, Hagener, Keenan, Martinez, McCann.  
Total 9

Voted Absentee: Fisher, Molnar, Ohs, Rehbein, Shea, Ayes.

Excused: Heavy Runner.  
Total 1

Absent or not voting: Ryan.  
Total 1

**HJR 1** - Representative Pavlovich moved HJR 1 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Anderson, Bergman, Bergsagel, Fisher, Fuchs, Kasten, McCann, Story, Vick.  
Total 9

Voted Absentee: Molnar, Ohs, Rehbein, Shea, Ayes; Fisher, No.

Excused: Heavy Runner.  
Total 1

Absent or not voting: None.  
Total 0

**SB 6** - Representative Anderson moved SB 6 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Noes: Bergsagel, DeBruycker, Feland, Fuchs, Murdock, Orr, Peck, Somerville, Wagner, Wennemar.  
Total 10

Voted Absentee: Fisher, Molnar, Ohs, Rehbein, Shea, Ayes.

Excused: Heavy Runner.  
Total 1

Absent or not voting: None.  
Total 0

**SB 14** - Representative Brainard moved SB 14 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Mills, Somerville.  
Total 2

Voted Absentee: Fisher, Molnar, Ohs, Rehbein, Shea, Ayes.

Excused: Heavy Runner.  
Total 1

Absent or not voting: Martinez.  
Total 1

**SB 20** - Representative Kitzenberg moved SB 20 be concurred in. Motion carried as follows:

Ayes: Ahner, Arnott, Barnhart, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ewer, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McGee, McKee, Menahan, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Somerville, Squires, Stovall, Swanson, Tropila, Tuss, Wells, Wennemar, Wyatt.  
Total 52

Noes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Curtiss, DeBruycker, Denny, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, Mills, Molnar, Nelson, Ohs, Orr, Rehbein, Rose, Sliter, L. Smith, S. Smith, Soft, Story, Tash, Taylor, Trexler, Vick, Wagner, Wiseman, Zook, Mr. Speaker.  
Total 47

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Voted Absentee: Shea, Aye; Fisher, Molnar, Ohs, Rehbein, Noes.

Excused: Heavy Runner.

Total 1

Absent or not voting: None.

Total 0

**HB 66** - Representative Boharski moved consideration of HB 66 be passed for the day. Motion carried.

**HB 68** - Representative Boharski moved consideration of HB 68 be passed for the day. Motion carried.

**HB 193** - Representative Grady moved HB 193, second reading copy, be amended as follows (amendment #1).

1. Page 1, line 14.

Following: "of not less than"

Strike: "five"

Insert: "seven"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Kadas.

Total 1

Excused: Fisher, Heavy Runner, Molnar, Ohs, Rehbein.

Total 5

Absent or not voting: Jore, Shea.

Total 2

Representative Larson moved HB 193, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft,



HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergman, Denny, Fisher, Kasten, Knox, Rehbein.

Total 6

Voted Absentee: Heavy Runner, Molnar, Ohs, Shea, Ayes; Fisher, Rehbein, Noes.

Excused: None.

Total 0

Absent or not voting: Jore, Story.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Kasten moved that the Committee of the Whole report be adopted. Report adopted. (92-0)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 171** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Bergsagel, Carey, Cobb, DeBruycker, Ellingson, Elliott, Ewer, Hagener, Harper, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, McCann, McCulloch, Menahan, Pavlovich, Peck, Raney, Ream, Schwinden, Squires, Swanson, Tropila, Tuss, Wennemar.

Total 30

Voted Absentee: Fisher, Molnar, Ohs, Rehbein, Shea, Ayes.

Excused: Heavy Runner.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
EIGHTEENTH LEGISLATIVE DAY - JANUARY 21, 1995

**MOTIONS**

**SB 20** - Representative Grady moved SB 20 be taken from Third Reading and rereferred to the Committee on Appropriations. Motion failed.

**HB 302** - Representative Grinde moved HB 302 be taken from the Committee on Education & Cultural Resources and rereferred to the Committee on Judiciary. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 228: Representative Ellis, Representative Rehbein, Representative Anderson, Representative Feland, Representative Mercer, Representative Keenan, Representative Nelson, Representative Story, Senator Benedict, Senator Devlin, Senator Jenkins, Senator Tveit.

The following sponsors were added to HB 229: Representative Ellis, Representative Story, Representative Anderson, Representative Keenan, Representative Rose, Representative Nelson, Representative Feland, Representative Mercer, Senator Benedict, Senator Devlin, Senator Jenkins, Senator Tveit.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00, Monday, January 3, 1995. Motion carried.

House adjourned at 9:50 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY**

Helena, Montana  
January 23, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Matt Denny. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives H. Hanson, Harrington, J. Johnson, Shea, Squires, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/23/95  
Correctly printed for second reading: HB 16, HB 111.  
Correctly engrossed for third reading: HB 86, HB 96, HB 106, HB 115, HB 138, HB 146, HB 148, HB 170, HB 178, HB 180, HB 193, HB 210, HB 216, HB 243, HJR 1.  
Delivered to the Governor for his approval at 10:00 a.m., 1/23/95: HB 22, HB 23, HJR 5.

**APPROPRIATIONS** (Zook, Chairman): 1/23/95  
**HB 16**, introduced bill, be amended as follows:

1. Page 1, lines 12 and 13.  
Following: "." on line 12  
Strike: remainder of line 12 through "." on line 13

And, as amended, do pass. Report adopted.

**HIGHWAYS & TRANSPORTATION** (Anderson, Chairman): 1/21/95  
**HB 111**, introduced bill, do pass. Report adopted.

**JUDICIARY** (Clark, Chairman): 1/20/95  
**SB 1**, be concurred in. Report adopted.

**SB 10**, be concurred in. Report adopted.

**SB 26**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Knox, Chairman): 1/23/95  
**SJR 2**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 1/21/95

**SB 2**, introduced by Crippen  
**SB 8**, introduced by Crippen  
**SB 34**, introduced by Swysgood  
**SB 53**, introduced by Cole  
**SB 61**, introduced by Crippen

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

**SB 67**, introduced by Lynch  
**SB 71**, introduced by Stang  
**SB 99**, introduced by Keating

Senate bills passed and transmitted to the House for concurrence:

1/23/95

**SB 35**, introduced by Stang  
**SB 38**, introduced by Benedict  
**SB 76**, introduced by Swysgood  
**SB 113**, introduced by Brooke  
**SB 143**, introduced by Baer

House bills concurred in and returned to the House:

1/23/95

**HB 14**, introduced by Zook  
**HB 38**, introduced by Harrington  
**HB 40**, introduced by Hayne  
**HB 56**, introduced by Rose  
**HJR 6**, introduced by Hayne

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 314**, introduced by Curtiss, referred to Committee on Highways & Transportation.  
**HB 315**, introduced by Harrington, referred to Committee on Judiciary.  
**HB 316**, introduced by Harrington, referred to Committee on State Administration.  
**HB 317**, introduced by Hurdle, referred to Committee on Appropriations.  
**HB 318**, introduced by Rose, referred to Committee on Human Services & Aging.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 2**, introduced by Crippen, referred to Committee on Local Government.  
**SB 8**, introduced by Crippen, referred to Committee on Local Government.  
**SB 34**, introduced by Swysgood, referred to Committee on Highways & Transportation.  
**SB 35**, introduced by Stang, referred to Committee on Taxation.  
**SB 38**, introduced by Benedict, referred to Committee on Business & Labor.  
**SB 53**, introduced by Cole, referred to Committee on Highways & Transportation.  
**SB 61**, introduced by Crippen, referred to Committee on Judiciary.  
**SB 67**, introduced by Lynch, referred to Committee on Business & Labor.  
**SB 71**, introduced by Stang, referred to Committee on Natural Resources.  
**SB 76**, introduced by Swysgood, referred to Committee on Education & Cultural Resources.  
**SB 99**, introduced by Keating, referred to Committee on Local Government.  
**SB 113**, introduced by Brooke, referred to Committee on Judiciary.  
**SB 143**, introduced by Baer, referred to Committee on Judiciary.

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Anderson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 66** - Representative DeBruycker moved consideration of HB 66 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 68** - Representative DeBruycker moved consideration of HB 68 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

Representative J. Johnson present.

Representative Squires present.

**HB 42** - Representative Rehbein moved HB 42 do pass. Motion failed as follows:

Ayes: Ahner, Barnhart, Bohlinger, Carey, Ellingson, Ewer, Fisher, Forbes, Galvin, Grimes, Grinde, Hagener, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Keenan, Knox, McCann, McCulloch, McGee, Menahan, Molnar, Ohs, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Shea, Simon, Soft, Squires, Story, Swanson, Trexler, Tuss, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 47

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fuchs, Grady, Green, M. Hanson, Herron, Hurdle, Jore, Kasten, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McKee, Mills, Murdock, Nelson, Orr, Pavlovich, Rose, Schwinden, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Stovall, Tash, Taylor, Tropila, Vick, Wagner, Wells, Wennemar.

Total 52

Voted Absentee: Harrington, Shea, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 152** - Representative Cocchiarella moved HB 152, second reading copy, be amended as follows (amendment #1).

1. Title, lines 5 and 6.

Following: "TO" on line 5

Strike: remainder of line 5 through "IN" on line 6



HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

Insert: "REDUCE"

2. Page 1, lines 27 and 28.

Following: "fund" on line 27

Strike: remainder of line 28 through "department" on line 28

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: H.S. Hanson, Harrington, Shea.

Total 3

Absent or not voting: Hurdle.

Total 1

Representative Cocchiarella moved HB 152, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Harrington, Shea, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

**HB 163** - Representative Kasten moved HB 163 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Harrington, Shea, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**SB 54** - Representative Ream moved SB 54 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Arnott, Bergman, Bergsagel, DeBruycker, Feland, Jore, Orr, Rehbein, Rose, Sliter, L. Smith, Story, Taylor, Wagner, Wells.

Total 15

Voted Absentee: Harrington, Shea, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Cocchiarella.

Total 1

**HB 66** - Representative DeBruycker moved consideration of HB 66 be passed for the day. Motion carried.

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

**HB 68** - Representative DeBruycker moved consideration of HB 68 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Anderson moved that the Committee of the Whole report be adopted. Report adopted. (84-4)

**MOTIONS**

**SB 20** - Representative Simpkins moved SB 20 be taken from Third reading and rereferred to the Committee on State Administration. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 86** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Hagener, Harper, Kadas, Nelson, Peck, Raney, Simon.

Total 7

Excused: H.S. Hanson, Harrington, Shea.

Total 3

Absent or not voting: Tuss.

Total 1

**HB 96** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91



HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

Noes: Arnott, Boharski, Cobb, Denny, Martinez.  
Total 5

Excused: H.S. Hanson, Harrington, Shea.  
Total 3

Absent or not voting: Tuss.  
Total 1

**HB 106** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Böhlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Jore, Kasten, Keenan, McCann, Murdock, Vick.  
Total 6

Excused: H.S. Hanson, Harrington, Shea.  
Total 3

Absent or not voting: Herron, Holland, Tuss.  
Total 3

**HB 115** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Böhlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Story.  
Total 1

Excused: H.S. Hanson, Harrington, Shea.  
Total 3

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

Absent or not voting: Mills, Tuss.  
Total 2

**HB 138** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: H.S. Hanson, Harrington, Shea.  
Total 3

Absent or not voting: McCann, Tuss.  
Total 2

**HB 146** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: None.  
Total 0

Excused: H.S. Hanson, Harrington, Shea.  
Total 3

Absent or not voting: Feland, Heavy Runner, Simpkins, Tuss.  
Total 4

**HB 148** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Keenan, Schwinden.

Total 2

Excused: H.S. Hanson, Harrington, Shea.

Total 3

Absent or not voting: Tuss.

Total 1

**HB 170** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook.

Total 92

Noes: Cobb, Story.

Total 2

Excused: H.S. Hanson, Harrington, Shea.

Total 3

Absent or not voting: Forbes, Tuss, Mr. Speaker.

Total 3

**HB 178** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila,



HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Schwinden.  
Total 1

Excused: H.S. Hanson, Harrington, Shea.  
Total 3

Absent or not voting: Tuss.  
Total 1

**HB 180** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Herron, Peck.  
Total 2

Excused: H.S. Hanson, Harrington, Shea.  
Total 3

Absent or not voting: Tuss.  
Total 1

**HB 210** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Kasten, Molnar.  
Total 2

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

Voted Absentee: Harrington, Shea, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Tuss.

Total 1

**HB 216** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: H.S. Hanson, Harrington, Shea.

Total 3

Absent or not voting: Kadas, Marshall, Tuss.

Total 3

**HB 243** passed as follows:

Ayes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Ahner, Arnott, Barnhart, Denny, Hagener, Keenan, Martinez.

Total 7

Excused: H.S. Hanson, Harrington, Shea.

Total 3

HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

Absent or not voting: Tuss.  
Total 1

**HJR 1** passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Anderson, Arnott, Bergsagel, DeBruycker, Jore, Kasten, Rehbein, Story, Vick.  
Total 9

Voted Absentee: Harrington, Shea, Ayes.

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Kottel, Simpkins, Tuss.  
Total 3

**SB 6** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bergsagel, DeBruycker, Feland, Fuchs, Murdock, Orr, Wagner, Wennemar.  
Total 8

Excused: H.S. Hanson, Harrington, Shea.  
Total 3

Absent or not voting: Arnott, Tuss.  
Total 2

**SB 14** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,



HOUSE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 23, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Mills.

Total 1

Excused: H.S. Hanson, Harrington, Shea.

Total 3

Absent or not voting: Tuss.

Total 1

**SPECIAL ORDERS OF THE DAY**

The following sponsor was added to HB 267: Representative Kitzenberg.

The following sponsors were added to HB 272: Representative Anderson, Senator Grosfield.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, January 24, 1995. Motion carried.

House adjourned at 1:45 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY**

Helena, Montana  
January 24, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Steve Vick. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Boharski, Ryan, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

1/24/95

Correctly printed for second reading: HB 68, HB 201, HB 246, HB 120, HB 151, HB 169, HB 298, HB 205, HB 229.

Correctly engrossed for third reading: HB 152, HB 163.

Correctly enrolled: HB 14, HB 38, HB 40, HB 56, HJR 6.

Examined by the sponsor and found to be correct:

HB 14 - Zook

HB 38 - Harrington

HB 40 - Hayne

HB 56 - Rose

HJR 6 - Hayne

Signed by the Speaker at 1:15 p.m., 1/24/95: HB 14, HB 38, HB 40, HB 56, HJR 6.

**EDUCATION & CULTURAL RESOURCES** (Ellis, Chairman):

1/23/95

**HB 120**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: "INVESTMENTS;"

Strike: remainder of line 6 through "FACILITY;" on line 7

2. Page 1, line 27.

Following: "~~not~~"

Insert: "not"

3. Page 1, line 28.

Following: "facility"

Strike: remainder of line 28 through "20-6-603"

And, as amended, do pass. Report adopted.

**HB 151**, introduced bill, do pass. Report adopted.

**HB 229**, introduced bill, do pass. Report adopted. 1/24/95

**HIGHWAYS & TRANSPORTATION** (Anderson, Chairman):

1/23/95

**HB 246**, introduced bill, do pass. Report adopted.

**HUMAN SERVICES & AGING** (Grimes, Chairman):

1/24/95



HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

**HB 169**, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/21/95

**HB 69**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "SECTIONS

Insert: "27-2-201,"

2. Page 6, line 12.

Strike: "discuss"

Insert: "disclose"

3. Page 6, line 13.

Strike: "with"

Insert: "to"

4. Page 8, lines 24 and 25.

Strike: "If" on line 24 through end of line 25

5. Page 11, lines 22 through 25.

Strike: subsection (3) in its entirety

6. Page 14, line 3.

Strike: "officer of the board of crime control."

7. Page 14, line 4.

Following: "payment."

Insert: "If the victim has received compensation under Title 53, chapter 9, the court may also order an employee of the board of crime control to supervise the making of restitution and to report to the court any default in payment."

8. Page 27, line 8.

Following: line 7

Insert: "**Section 39.** Section 27-2-201, MCA, is amended to read:

**"27-2-201. Actions upon judgments.** (1) Except as provided in ~~subsection~~ subsections (3) and (4), the period prescribed for the commencement of an action upon a judgment or decree of any court of record of the United States or of any state within the United States is within 10 years.

(2) The period prescribed for the commencement of an action upon a judgment or decree rendered in a court not of record is within 5 years. The cause of action is considered, in that case, to have accrued when final judgment was rendered.

(3) The period prescribed for the commencement of an action to collect past-due child support that has accrued after October 1, 1993, under an order entered by a court of record or administrative authority is within 10 years of the termination of support obligation.

(4) An action under 46-18-247(3) to enforce an order of restitution entered by a court of record may be commenced at any time within the offender's lifetime during which restitution remains unpaid."

Renumber: subsequent sections

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

And as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):  
HB 201, introduced bill, do pass. Report adopted.

1/24/95

STATE ADMINISTRATION (Simpkins, Chairman):  
HB 205, introduced bill, do pass. Report adopted.

1/24/95

HB 298, introduced bill, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/24/95

SB 24, introduced by Swysgood  
SB 37, introduced by Bishop  
SB 47, introduced by Swysgood  
SB 68, introduced by Lynch  
SB 90, introduced by Baer  
SB 150, introduced by Waterman

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 319, introduced by Tropila, referred to Committee on State Administration.  
HB 320, introduced by Galvin, referred to Committee on Business & Labor.  
HB 321, introduced by Ewer, referred to Committee on State Administration.  
HB 322, introduced by Hibbard, referred to Committee on Judiciary.  
HB 323, introduced by Ryan, referred to Committee on Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

SB 24, introduced by Swysgood, referred to Committee on State Administration.  
SB 37, introduced by Bishop, referred to Committee on State Administration.  
SB 47, introduced by Swysgood, referred to Committee on Highways & Transportation.  
SB 68, introduced by Lynch, referred to Committee on Highways & Transportation.  
SB 90, introduced by Baer, referred to Committee on Judiciary.  
SB 150, introduced by Waterman, referred to Committee on Human Services & Aging.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading,

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

recommend as follows:

**HB 66** - Representative DeBruycker moved HB 66, second reading copy, be amended as follows (amendment #1):

1. Title, lines 8 and 9.

Following: "RULE" on line 8

Strike: remainder of line 8 through "AND" on line 9

2. Title, lines 11 and 12.

Following: ":",

Strike: "MODIFYING HOISTING ENGINEER LICENSE STANDARDS TO INCLUDE EITHER CRANE BOOM LENGTH OR TONNAGE RATING;"

Insert: "....STANDARDS...."

3. Page 6, line 23.

Strike: "(1)"

4. Page 7, lines 1 through 3.

Following: "\$2" on line 1

Strike: remainder of line 1 through "commerce." on line 3

Insert: "in the following schedule:

- |                                     |       |
|-------------------------------------|-------|
| (1) first class                     | \$50  |
| (2) second class                    | \$40  |
| (3) third class                     | \$25  |
| (4) agricultural class              | \$20  |
| (5) low pressure                    | \$15  |
| (6) traction                        | \$25  |
| (7) renewal of license              | \$10  |
| (8) replacement of lost certificate | \$10" |

5. Page 9, lines 10 and 28.

Following: "and"

Strike: "OR"

Insert: "and"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Green, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kadas, Kottel, Larson, McCann, McCulloch, Pavlovich, Peck, Ream, Schwinden, Squires, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.



HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

Total 29

Voted Absentee: Boharski, Aye.

Excused: Ryan.

Total 1

Absent or not voting: Raney.

Total 1

Representative Wiseman moved HB 66, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Cocchiarella, Galvin, Harrington, Kadas, Kasten, Orr, Tuss, Vick.

Total 9

Voted Absentee: Boharski, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: Menahan.

Total 1

**HB 68** - Representative DeBruycker moved HB 68, second reading copy, be amended as follows (amendment #1):

1. Title, lines 7 and 8.

Following: ";" on line 7

Strike: remainder of line 7 through "BOILER" on line 8

Strike: "INSPECTION FEE SCHEDULES"

2. Title, line 9.

Strike: "BY ADMINISTRATIVE RULE;"

3. Title, line 13.

Strike: "50-74-101,"

4. Page 2, lines 13 through 23.

Strike: section 3 in its entirety

Re-number: subsequent sections

5. Page 2, line 28.

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

Following: "boiler,"  
Strike: "the"  
Insert: "a"  
Following: "fee"  
Strike: "set by"  
Following: "~~shall~~"  
Strike: "rule"

6. Page 2, line 29.

Following: "certificate"

Insert: "in accordance with the following schedule:

- (1) operating certificate, \$20;
- (2) internal inspection, \$40;
- (3) external inspection:
  - (a) hot water heating supply, \$15;
  - (b) steam heating, \$20; and
  - (c) power boiler, \$30; and
- (4) special inspection, \$50 per hour plus expenses"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 64

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Green, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kasten, Kottel, Larson, McCann, McCulloch, Pavlovich, Peck, Quilici, Ream, Schwinden, Shea, Squires, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 33

Voted Absentee: Boharski, Aye.

Excused: Ryan.

Total 1

Absent or not voting: Arnott, Menahan.

Total 2

Representative Schwinden moved HB 68, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

Total 90

Noes: Cocchiarella, Ellingson, Galvin, Jore, Kadas, Kasten, Orr, Vick, Wagner.

Total 9

Voted Absentee: Boharski, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

Representative Boharski present.

**HB 111** - Representative McGee moved HB 111, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 14.

Strike: "(1)"

2. Page 1, line 21-22.

Strike: Subsection 2 in its entirety.

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, Herron, Holland, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Raney, Rehbein, Rose, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 59

Noes: Barnhart, Carey, Clark, Cobb, Cocchiarella, Ellingson, Elliott, Galvin, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Larson, McCulloch, McKee, Menahan, Mills, Pavlovich, Quilici, Ream, Ryan, Schwinden, Shea, Simon, L. Smith, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 40

Voted Absentee: ; Ryan, No.

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

Representative Devaney moved HB 111, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bohlinger, Brainard, Clark, DeBruycker, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McGee, McKee, Mills, Molnar,



HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

Murdock, Nelson, Ohs, Orr, Peck, Raney, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Barnhart, Bergsagel, Boharski, Carey, Cobb, Cocchiarella, Curtiss, Denny, Elliott, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Martinez, McCann, McCulloch, Menahan, Pavlovich, Quilici, Ream, Ryan, Shea, L. Smith, Squires, Trexler, Tropila, Tuss, Vick, Wennemar, Wyatt.

Total 37

Voted Absentee: ; Ryan, No.

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**SB 1** - Representative Menahan moved SB 1 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: Devaney.

Total 1

**SB 10** - Representative Anderson moved SB 10 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson,

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: Denny.  
Total 1

Voted Absentee: Ryan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 26** - Representative Swanson moved SB 26 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: DeBruycker, Green, Jore, Rehbein, Sliter, Vick.  
Total 6

Voted Absentee: Ryan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 2** - Representative Ellingson moved SJR 2 be concurred in. Motion carried as follows:

Ayes: Barnhart, Bohlinger, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ewer, Galvin, Grimes, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Larson, Marshall, McCulloch, McGee, McKee, Menahan, Mills, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook.  
Total 55

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Martinez, Masolo, McCann, Molnar, Murdock, Nelson, Orr, Sliter, S. Smith, Soft, Somerville, Tash, Vick, Wagner, Wells, Mr. Speaker.  
Total 42

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: Cobb, Kottel, Rehbein.

Total 3

**HB 16** - Representative Wyatt moved HB 16 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Arnott, Bergsagel, DeBruycker, Feland, Green, Hayne, Jore, McGee, Rehbein, Rose, S. Smith, Soft, Wagner.

Total 13

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (91-8)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 152** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson,



HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Ryan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 163** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Ryan, Aye.

Excused: None.  
Total 0

Absent or not voting: Simon.  
Total 1

**SB 54** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 79

Noes: Arnott, Bergman, Bergsagel, Brainard, Clark, DeBruycker, Feland, Jore, Keenan, Martinez, Murdock, Orr, Rehbein, Sliter, L. Smith, S. Smith, Taylor, Wagner, Wells.  
Total 19

HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 24, 1995

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: Ream, Wiseman.

Total 2

**HB 193** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, DeBruycker, Denny, Jore, Kasten, Knox, Ohs, Rehbein, L. Smith, S. Smith, Taylor.

Total 11

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

**HB 210** - Representative Boharski moved he be allowed to change his vote on HB 210, third reading, from nay to aye. Motion carried.

Representative Grinde moved HB 10 be changed to reflect Representative McCann as chief sponsor. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, January 25, 1995. Motion carried.

House adjourned at 2:00 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
January 25, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Linda McCulloch. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Ryan, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixteenth, seventeenth, eighteenth and nineteenth legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/25/95  
Correctly printed for second reading: HB 46, HB 141, HB 161, HB 164, HB 174, HB 175, HB 200, HB 203, HB 252, HB 295.  
Correctly engrossed for third reading: HB 16, HB 66, HB 68, HB 111.

**BUSINESS & LABOR** (Simon, Chairman): 1/24/95  
**HB 200**, introduced bill, be amended as follows:

1. Page 18, line 11.  
Strike: "cease"  
Insert: "cause"  
Following: "operations"  
Insert: "performed by the uninsured employer to cease at worksites controlled by the prime contractor"
2. Page 18, line 12.  
Following: "plan."  
Insert: "If after 3 business days following the order by the department the person, business, or other entity functioning as a prime contractor has not complied with the order, the department may order the prime contractor to cease all operations at the affected worksites."
3. Page 22, lines 6 and 7.  
Strike: "fiscal"
4. Page 22, line 28.  
Following: "45"  
Strike: "20"  
Insert: "25"

And, as amended, do pass. Report adopted.

**HB 203**, introduced bill, do pass. Report adopted.

**HB 252**, introduced bill, do pass. Report adopted.



HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

**SB 21**, be concurred in. Report adopted.

**SB 33**, be concurred in. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):

1/24/95

**SB 3**, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

1/24/95

**HB 46**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "ALL"

2. Title, line 5.

Following: the first "PROPERTY"

Insert: "NOT CURRENTLY INCLUDED"

Following: "AND"

Insert: "TO INCLUDE"

3. Title, line 6.

Following: "DECEPTION;"

Insert: "PROVIDING THAT ONLY PERSONAL PROPERTY OF ANOTHER, EXCEPT A VEHICLE, THAT EXCEEDS \$500 IN VALUE MAY BE THE SUBJECT OF ARSON;"

4. Page 1, line 13.

Following: "vehicle,"

Insert: "personal property (other than a vehicle) that exceeds \$500 in value,"

Following: "other"

Insert: "real"

And, as amended, do pass. Report adopted.

**HB 161**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "CONDUCT;"

Insert: "EXPANDING THE DEFINITION OF THE OFFENSE;"

Strike: "SECTION"

Insert: "SECTIONS 45-5-620 AND"

2. Page 1, line 10.

Following: line 9

Insert: "**Section 3.** Section 45-5-620, MCA, is amended to read:

**"45-5-620. Definitions.** As used in 45-5-625, the following definitions apply:

(1) "Sexual conduct" means actual or simulated:

(a) sexual intercourse, whether between persons of the same or opposite sex;

(b) penetration of the vagina or rectum by any object, except when done as part of a recognized medical procedure;

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

- (c) bestiality;
- (d) masturbation;
- (e) sadomasochistic abuse;
- (f) lewd exhibition of the genitals, breasts, pubic or rectal area, or other intimate parts of any person; or
- (g) defecation or urination for the purpose of the sexual stimulation of the viewer.
- (2) "Simulated" means any depicting of the genitals or pubic or rectal area that gives the appearance of sexual conduct or incipient sexual conduct.
- (3) "Visual medium" means:
  - (a) any film, photograph, videotape, negative, slide, or photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, or slide; or
  - (b) any disc, diskette, or other physical media that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 174**, introduced bill, do pass. Report adopted.

**HB 175**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/25/95

**HB 295**, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

1/24/95

**HB 141**, introduced bill, be amended as follows:

1. Title, line 14.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Strike: "DATES"

2. Page 8, line 7.

Strike: "date"

Insert: "dates"

Following: "date."

Insert: "(1)"

Strike: "This act] is"

Insert: "Sections 1, 2, and 4 through 9 and this section] are"

3. Page 8.

Following: line 7

Insert: "(2) [Section 3] is effective January 1, 1996."

4. Page 7, line 7.

Strike: "a special, qualified, conditional, or restrictive endorsement"

Insert: "conditions pertaining to endorsement by the department that are"

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

5. Page 7, line 9.  
Following: "liabilities"  
Insert: ", "

And, as amended, do pass. Report adopted.

**HB 164**, introduced bill, do pass. Report adopted.

**HJR 7**, introduced bill, do not pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/25/95

**SB 106**, introduced by Jenkins

**SB 133**, introduced by Christiaens

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 1/25/95

**HB 47**, introduced by Larson

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

1/24/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 22 sponsored by Representative Hanson on January 24, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

1/24/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 23 sponsored by Representative Squires on January 24, 1995.



HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 324**, introduced by Simpkins, referred to Committee on State Administration.  
**HB 325**, introduced by Simpkins, referred to Committee on State Administration.  
**HB 326**, introduced by Cocchiarella, referred to Committee on Business & Labor.  
**HB 327**, introduced by Heavy Runner, referred to Committee on State Administration.  
**HB 328**, introduced by Molnar, referred to Committee on Human Services & Aging.  
**HB 329**, introduced by Heavy Runner, referred to Committee on Education & Cultural Resources.  
**HB 330**, introduced by Cobb, referred to Committee on Appropriations.  
**HB 331**, introduced by Kottel, referred to Committee on State Administration.  
**HB 332**, introduced by Clark, referred to Committee on Judiciary.  
**HB 333**, introduced by Kasten, referred to Committee on Human Services & Aging.  
**HB 334**, introduced by Kasten, referred to Committee on Human Services & Aging.  
**HB 335**, introduced by Squires, referred to Committee on Human Services & Aging.  
**HB 336**, introduced by Barnett, referred to Committee on Business & Labor.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 106**, introduced by Jenkins, referred to Committee on Agriculture, Livestock & Irrigation.  
**SB 133**, introduced by Christiaëns, referred to Committee on Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 69** - Representative Fisher moved consideration of HB 69 be placed below HB 151 on the second reading board. Motion carried.

**HB 120** - Representative Shea moved HB 120 do pass.

Representative Ewer moved consideration of HB 120 be placed below HB 169 on the second reading board. Motion carried.

**HB 151** - Representative Peck moved HB 151 do pass. Motion carried as follows:

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Bergman, Bergsagel, Boharski, Brainard, DeBruycker, Green, Jore, Keenan, McGee, Murdock, S. Smith, Vick, Wells.  
Total 13

Voted Absentee: Ryan, Aye.

Excused: None.  
Total 0

Absent or not voting: Forbes, Grinde, Shea.  
Total 3

Representative J. Johnson excused at this time.

**HB 69** - Representative Fisher moved HB 69, second reading copy, be amended as follows (amendment #1):

1. Page 8, line 25.

Following: "z"

Insert: "If the court determines that the defendant is unable to pay restitution, then it may impose, in addition to any other sentence, community service under 46-18-241."

2. Page 11, line 25.

Following: "z"

Insert: "(3) If the court finds that, because of circumstances beyond the offender's control, the offender is not and will not be able to pay any restitution during the period of state supervision, the court may order the offender to perform community service commensurate with the amount of restitution that would have been imposed."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

Noes: Bergsagel, Boharski, Carey, Galvin, Kottel.  
Total 5

Excused: J. Johnson, Ryan.  
Total 2

Absent or not voting: Curtiss, Raney.  
Total 2

Representative Fisher moved HB 69, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: J. Johnson, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 169** - Representative Orr moved HB 169 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Barnhart, Hagener, Heavy Runner, R. Johnson, Kottel, McCann, Simpkins, Soft.  
Total 8

Voted Absentee: J. Johnson, Ryan, Ayes.



HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

Excused: None.

Total 0

Absent or not voting: Cocchiarella.

Total 1

**HB 229** - Representative Grinde moved consideration of HB 229 be placed at the top of the second reading board. Motion carried.

Representative J. Johnson present at this time.

Representative H. Hanson moved HB 229 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Barnhart, Boharski, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 32

Voted Absentee: Ryan, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved that the Committee of the Whole report be adopted. Report adopted. (76-23)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 63** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner,

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, Jore, Kasten, Pavlovich.

Total 4

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: Denny.

Total 1

**HB 66** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, Cocchiarella, Galvin, Jore, Kadas, Kasten, Orr, Rehbein, Vick, Wagner.

Total 10

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher, Peck.

Total 2

**HB 68** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney,

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Cocchiarella, Ellingson, Galvin, Grinde, Jore, Kadas, Kasten, Orr, Schwinden, Tuss, Vick, Wagner, Wyatt.

Total 14

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: L. Smith.

Total 1

**HB 16** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Arnott, Bergsagel, Cocchiarella, DeBruycker, Fuchs, Hayne, Jore, McCann, McGee, Nelson, Peck, Rehbein, S. Smith, Soft, Wagner.

Total 15

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: Pavlovich.

Total 1

**HB 111** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bohlinger, Brainard, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Marshall, Martinez, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 69



HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

Noes: Arnott, Barnhart, Bergsagel, Boharski, Carey, Clark, Cobb, Curtiss, Elliott, Galvin, Hagener, Herron, Hurdle, J. Johnson, Larson, Masolo, McCann, McCulloch, Menahan, Pavlovich, Raney, Ream, L. Smith, Squires, Trexler, Tropila, Tuss, Vick, Wyatt.

Total 29

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: Grimes, Kitzenberg.

Total 2

**SB 1** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel, Cobb.

Total 2

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: Jore.

Total 1

**SB 10** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

Noes: Brainard, Denny, Jore, Keenan, Rehbein, S. Smith, Taylor.  
Total 7

Voted Absentee: Ryan, Aye.

Excused: None.  
Total 0

Absent or not voting: Rose, Somerville, Story.  
Total 3

**SB 26** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: DeBruycker, Feland, Green, Grinde, Jore, Peck, Rehbein, Sliter, Vick.  
Total 9

Voted Absentee: Ryan, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 2** not concurred in as follows:

Ayes: Ahner, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ewer, Galvin, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.  
Total 50

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, M. Hanson, Hayne, Herron, Holland, Jore, Kasten, Keenan, Kitzenberg, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.  
Total 50

HOUSE JOURNAL  
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 25, 1995

Voted Absentee: Ryan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

**SB 4** - Representative Simpkins moved that Representatives Heavy Runner, Taylor, Stovall, Murdock, Mercer, Hayne, Devaney and Kitzenberg be added as sponsors to SB 4. Motion carried.

**HB 234** - Representative Clark moved HB 234 be taken from the Committee on Judiciary and rereferred to the Committee on Business & Labor. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HJR 11: Representative Rose.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, January 26, 1995. Motion carried.

House adjourned at 3:15 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
January 26, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Daniel W. McGee. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifteenth, twentieth and twenty-first legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/26/95  
Correctly printed for second reading: HB 105, HB 113, HB 147, HB 173, HB 194, HB 207, HB 208, HB 219, HB 264, HB 285, HB 162, HB 137.  
Correctly engrossed for third reading: HB 69, HB 151, HB 169, HB 229.  
Delivered to the Governor for his approval at 9:05 a.m., 1/26/95: HB 14, HB 38, HB 40, HB 56, HJR 6.

**BUSINESS & LABOR** (Simon, Chairman): 1/25/95  
**HB 147**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.  
Strike: "ALLOWING" on line 8 through "SURVEYING;" on line 9
2. Page 3, line 4.  
Following: "activities"  
Strike: ", such as continuing education,"
3. Page 3, line 5.  
Following: "board rule"  
Insert: ", such as continuing education, which may require up to 15 professional development hours as prescribed by board rule and is generally patterned after the model rules of the national council of examiners for engineering and surveying"

4. Page 4, line 2 through line 29.  
Strike: subsections (3) through (9) in their entirety

And, as amended, do pass. Report adopted.

**HB 207**, introduced bill, do pass. Report adopted.

**HB 264**, introduced bill, do pass. Report adopted.

**HB 285**, introduced bill, be amended as follows:

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

1. Title, line 5.

Following: "STATE"

Strike: "MINIMUM WAGE AND"

Following: "OVERTIME"

Strike: "LAWS"

Insert: "LAW"

2. Page 2, lines 11 and 12.

Strike: subsection (n) in its entirety

3. Page 2, line 10.

Strike: ".."

Insert: "."

4. Page 4, line 22.

Following: "services"

Insert: "; (w) a person employed as a guide, cook, camp tender, or livestock handler by a licensed outfitter as defined in 37-47-101"

And, as amended, do pass. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman):

1/25/95

**HB 194**, introduced bill, do pass. Report adopted.

**HB 219**, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/25/95

**HB 173**, introduced bill, do pass. Report adopted.

**HB 208**, introduced bill, do pass. Report adopted.

LOCAL GOVERNMENT (Boharski, Chairman):

1/25/95

**HB 105**, introduced bill, do pass. Report adopted.

**HB 113**, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/26/95

**HB 137**, introduced bill, be amended as follows:

1. Title, lines 5 through 7.

Following: "LAWS;" on line 5

Strike: "REQUIRING" through "TRANSFERS;" on line 7

2. Title, line 9.

Following: "OF"

Insert: "TEMPORARY"

3. Title, line 10.



HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

Following: "SECTIONS"  
Strike: "'7-4-2613,"

4. Title, line 11  
Following: line 10  
Strike: 85-2-122,"  
Following: "85-2-232"  
Strike: ", "  
Insert: "AND"  
Following: "85-2-319,"  
Strike: "85-2-424" through "85-2-426,"  
Strike: "REPEALING" through "MCA;"

5. Title, line 12.  
Following: "PROVIDING"  
Insert: "AN IMMEDIATE"  
Strike: "DATES"  
Insert: "DATE"

6. Page 1, line 16 through page 4, line 12  
Strike: sections 1 through 4 in their entirety  
Renumber: subsequent sections

7. Page 6, lines 19 and 20.  
Following: first "for" on line 19  
Strike: "water" through "activities" on line 20  
Insert: "temporary uses of water not to exceed 1 year, with a maximum appropriation not to exceed 10 acre-feet per year,"

8. Page 6, lines 21 and 22.  
Following: "for" on line 21  
Strike: "public" through "activities" on line 22  
Insert: "temporary uses of water"

9. Page 6, line 24.  
Strike: section 7 in its entirety  
Renumber: subsequent sections

10. Page 6, line 26.  
Following: second "Section"  
Strike: "6"  
Insert: "2"

11. Page 6, line 29 through page 7, line 1.  
Following: "Effective" on page 6, line 29  
Strike: "dates" through "are"  
Insert: "date. [This act] is"  
Strike: subsection (2) on page 7, line 1 in its entirety

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

And, as amended, do pass. Report adopted.

**HB 162**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: "PERMIT;" on line 6

Strike: "ADDING" through "PERMIT;" on line 7

Following: "82-4-221," on line 7

Insert: "AND"

Strike: "AND 82-4-227,"

2. Page 4, line 9.

Following: "trenching,"

Strike: "drilling,"

3. Page 8, line 9.

Following: "82-4-228"

Strike: " 1 "

Following: "~~and~~"

Insert: "and"

4. Page 8, lines 10 and 11.

Following: "deposit" on line 10

Strike: " that " through "coal" on line 11

Following: "(7)." on line 11

Insert: "In addition, prospecting that is conducted to determine the location, quality, or quantity of a natural mineral deposit and that does not substantially disturb the natural land surface is not subject to subsections (1) through (7)."

5. Page 8, line 19 through page 12, line 11.

Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 1/26/95

**HB 24**, introduced by Menahan

House bill concurred in and returned to the House: 1/26/95

**HB 95**, introduced by Ohs

Senate bills passed and transmitted to the House for concurrence: 1/26/95

**SB 63**, introduced by Crippen

**SB 64**, introduced by Gage

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

SB 82, introduced by Hertel  
SB 127, introduced by Bishop

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 337, introduced by Cobb, referred to Committee on State Administration.  
HB 338, introduced by Grimes, referred to Committee on Natural Resources.  
HB 339, introduced by Molnar, referred to Committee on Fish & Game.  
HB 340, introduced by Nelson, referred to Committee on Human Services & Aging.  
HB 341, introduced by Larson, referred to Committee on Natural Resources.  
HB 342, introduced by Pavlovich, referred to Committee on Business & Labor.  
HB 343, introduced by Holland, referred to Committee on Taxation.  
HB 344, introduced by Fisher, referred to Committee on Business & Labor.  
HB 345, introduced by R. Johnson, referred to Committee on Judiciary.  
HB 346, introduced by Elliott, referred to Committee on Taxation.  
HB 347, introduced by Kottel, referred to Committee on Judiciary.

The following Senate bills were introduced, read first time, and referred to committee:

SB 65, introduced by Doherty, referred to Committee on Business & Labor.  
SB 64, introduced by Gage, referred to Committee on Judiciary.  
SB 82, introduced by Hertel, referred to Committee on Local Government.  
SB 127, introduced by Bishop, referred to Committee on Local Government.  
SJR 5, introduced by Swysgood, referred to Committee on Fish & Game.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McGee in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 120 - Representative Ewer moved HB 120, second reading copy, be amended (amendment #1).

Amendment #1 failed as follows:

Ayes: Barnhart, Bergsagel, Boharski, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Somerville, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 38

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny,



HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 62

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Shea moved HB 120 do pass. Motion failed as follows:

Ayes: Ahner, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fuchs, Galvin, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 44

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Fisher, Forbes, Grady, Green, Grimes, Grinde, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 205** - Representative J. Johnson moved HB 205 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, Boharski, Brainard, Green, M. Hanson, Jore, Molnar, Rehbein, S. Smith, Taylor, Vick.

Total 11

Excused: None.

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

Total 0

Absent or not voting: Ellis, Feland, Fuchs.

Total 3

**HB 246** - Representative Quilici moved HB 246 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Brainard, Cobb, Grinde, Jore, Trexler.

Total 5

Excused: None.

Total 0

Absent or not voting: Feland.

Total 1

**HB 298** - Representative Galvin moved HB 298 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, S. Smith.

Total 2

Excused: None.

Total 0

Absent or not voting: Feland, Grimes, Molnar.

Total 3

**HB 141** - Representative Story moved HB 141 do pass. Motion carried as follows:

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

Ayes: Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Ahner, Anderson, Bergman, Boharski, Galvin, Grady, Green, Grinde, Hagener, Heavy Runner, Herron, Hurdle, Jore, Keenan, Masolo, Rehbein, Schwinden, L. Smith, Taylor, Wagner, Wyatt.

Total 21

Excused: None.

Total 0

Absent or not voting: Feland.

Total 1

**HB 161** - Representative Curtiss moved HB 161 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 164** - Representative Harper moved HB 164 do pass. Motion carried as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss,



HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Ahner, Bergman, Boharski, Brainard, Curtiss, DeBruycker, Denny, Grinde, Jore, Knox, Rehbein, Sliter, S. Smith, Vick, Wagner.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Grimes, Kitzenberg, McKee, Schwinden.  
Total 4

**HB 174** - Representative Hagener moved HB 174 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Grady.  
Total 1

**HB 175** - Representative Hagener moved HB 175 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: DeBruycker, Jore, Knox, Ohs, Rehbein, Story.  
Total 6

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative H. Hanson moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McGee moved that the Committee of the Whole report be adopted. Report adopted. (95-3)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 69** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Ellis.  
Total 1

**HB 151** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

Noes: Bergman, DeBruycker, Green, Jore, Keenan, McGee, Murdock, S. Smith, Vick, Wells.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Boharski.  
Total 1

**HB 169** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Barnhart, Cocchiarella, Hagener, Heavy Runner, R. Johnson, Kottel, McCann, Soft.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 229** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 67

Noes: Barnhart, Boharski, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Nelson, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 33

Excused: None.  
Total 0



HOUSE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY - JANUARY 27, 1995

Absent or not voting: None.  
Total 0

**MOTIONS**

**SJR 2** - Representative Orr moved the House reconsider its action on SJR 2 taken on second reading the previous legislative day and that SJR 2 be taken from second reading and rereferred to the Committee on Natural Resources. Motion carried.

**HB 116** - Representative Cobb moved HB 116 be taken from the table in the Committee on Appropriations, printed, and placed on second reading this legislative day. Motion failed. (49-49)

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

1/26/95

Correctly enrolled: HB 95.

Examined by the sponsor and found to be correct:

HB 95 - Ohs

Signed by the Speaker at 2:00 p.m., 1/26/95: HB 95.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 11:00 a.m., Friday, January 27, 1995. Motion carried.

House adjourned at 2:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
January 27, 1995

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair.

Sergeants-at-Arms Meuli and Cramer escorted the Senate into the House Chamber.

Mr. Speaker introduced President Brown and yielded the chair to him.

Senator Harp moved the body resolve itself into a joint session for the purpose of receiving the State of the Law Address from the Honorable Chief Justice of the Supreme Court of the State of Montana. Motion carried.

The Montana State Prison Honor Guard posted the colors. The Pledge of Allegiance followed.

Senator Keating gave the invocation.

Senator Harp moved President Brown be authorized to appoint a committee of four to notify the Honorable Chief Justice and Justices of the Supreme Court of the State of Montana that the House and the Senate are in joint session and ready to receive the State of the Law Address. Motion carried.

President Brown appointed Senators Bartlett and Crippen and Representatives Clark and Wyatt and discharged them to escort the Honorable Chief Justice and Justices to the House Chamber.

The Honorable Chief Justice and Justices were escorted to the Rostrum by the escort committee.

After being presented to the members of both houses by President Brown, The Honorable Jean A. Turnage, Chief Justice of the Supreme Court of the State of Montana, delivered the following address:

**State of the Judiciary Address  
by Honorable J. A. Turnage  
Chief Justice, Montana Supreme Court  
to a Joint Session of the Fifty-Fourth Legislature  
January 27, 1995**

President Brown, Speaker Mercer, members of the Senate and House, distinguished public officials, staff of the Fifty-fourth Legislature and guests, ladies and gentlemen.

Thank you for this honor and privilege to address this joint session of the Fifty-fourth Legislature.

I would like to take this time to highlight some of the judiciary's workload, accomplishments and its concerns.

Before doing so, I think it appropriate to review some history and constitutional provisions that have placed the judiciary of the State of Montana as a distinct and separate branch of Montana government with the Legislative and executive branches.

The great charter of liberties of King John, the Magna Charta, granted at Runingmede, June 15, 1215, a charter of freedom for the individual, separated the total power over citizens then concentrated in the hands of the king, and gave to individual citizens a voice in the control over their lives and liberties.

This topic of separation of powers is as important to the Legislative branch of government as it is to the judicial and executive branches.

James Madison, a principal author of the Constitution of the United States, expressed it eloquently when

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

he wrote:

"The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

Madison's admonition found its way into the Constitution of the United States and is found in Articles I, II and III. This doctrine was adopted in the 1889 Constitution of Montana in Article IV, Section 1. In 1972 the people of Montana adopted Article III, Section 1, of the Constitution of Montana providing:

"Separation of powers. The power of the government of this state is divided into three distinct branches-- legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted."

It is beyond challenge or argument that the constitutional doctrine of separation of powers is the linchpin that holds the constitutional guarantees of our government together, thereby guaranteeing the right of our people to choose their form of government and to guarantee protection for life, liberty and property.

It is important for all of us to keep in mind that an effective government for the people of this state requires understanding and cooperation between the Legislative, executive and judicial branches, recognizing, of course, the constitutional limitations on their respective areas of authority.

It is when one branch of government attempts to exercise the power of another branch of government that the separation of powers doctrine applies. There are many areas of administrative nonpolicy matters in which inter-branch cooperation is needed and proper. For example, the state auditor, an executive branch officer, writes pay checks for the legislative and judicial branches. Clearly, this is not a usurpation of power prohibited by the Constitution.

Your perspective, the Governor's perspective, and our perspective within the judiciary must be guided by the knowledge that a strong and independent judiciary is crucial to the preservation of our life, our liberty, and our property. Words in our state and federal constitutions, and in our state and federal statutes, are only words until they are construed and upheld by our courts. Such provisions are not self-executing. Our state courts are our first line of defense against all attacks on our rights and liberties and are most crucial to maintaining stability in difficult and changing times.

Since my last address to a joint session, the Supreme Court has received 1,293 new case filings, an average of 647 for each year. These filings amounted to an average of 93 cases for each justice each year. During that same period of time, the Court wrote and delivered 805 published opinions, an average of 403 published opinions for each year. This amounts to well over one opinion for every calendar day of each of those years.

In addition to the opinions written and published, the Court disposed of approximately 500 other filings for an average of approximately 250 each year. These filings take a considerable amount of the Court's time. They are serious matters and consist of prisoner writs for habeas corpus, post-conviction relief, and other extraordinary relief. On the civil side there are many writs filed seeking supervisory control by the court or some other form of relief. A large number of these cases are disposed of by written orders. All of them require the careful attention of the Court, conference time and the drafting and signing of such orders. The history of increasing case filings in the Supreme Court over the past decades clearly demonstrates that filings will increase in the future.

In addition to the Court's work rendering decisions on appeals and other matters filed before the Court, many other duties of the Court require attention on virtually a daily basis.

The Court is responsible for the overview and management of many important boards and commissions-- Sentence Review, Commission on Practice, Board of Bar Examiners and Character and Fitness of applicants for admission to the Bar, Commission on Courts of Limited Jurisdiction and other important programs mandated by legislation.

A matter of critical importance to the judiciary of the State of Montana is the retention of the seven-member Supreme Court.

The 1979 Legislature, as authorized by the Montana Constitution, added two Justices to the Supreme Court



HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

because of a case load that was unmanageable by the five-member Court. This legislation carried a sunset provision that would have reverted the Court to five members at the end of 1988. In 1987 the Legislature extended the two additional Justices but again placed a sunset provision in the act. Unless Senate Bill 6 passed by the Senate and now in the House is enacted, the Supreme Court will revert to five Justices.

The case load of the Court today, with seven Justices, is equal to the case load for the five Justices in 1979 when it was clearly necessary to provide additional Justices to manage the ever-increasing cases filed with the Court.

Loss of two Justices would create a judicial crisis, with the core of the crisis judicial delay.

Judicial delay as a denial of justice was specifically recognized by the Magna Charta in 1215. Section 40 of the Magna Charta provides: "To none will we sell, or delay, right or justice."

Throughout Montana's constitutional history from 1889 to 1972 and to the present day, our Montana Constitution provides in Article II, Section 16: "Courts of justice shall be open to every person, and speedy remedy afforded."

Delay in the final resolution of litigation is a concern to all Montanans, and a specific concern to the judiciary. Delay results in added dollar cost to the taxpayer and to the litigants in the form of additional attorney fees and costs of litigation.

There is another cost of delay that is not measurable in dollars alone. It is the cost of human stress. Anyone who is a party to a lawsuit lives under a cloud of mental and emotional stress until the matter is finally resolved.

Opinions of the Supreme Court cannot be disposed of on a crash basis. Care and thoughtful deliberation must be given to every court opinion. To reduce the Supreme Court to five members would have the obvious result of increasing delay in the flow of case resolutions by approximately one-third. I believe you would agree that this would be an unacceptable imposition on your constituents' constitutional right to justice without delay.

The case that was presented to the Legislature in 1979 is still a good one. To move back to a five-member Court would be literally a move backwards. We cannot reasonably be asked to do more with less. Justice must not be rationed.

We respectfully ask your favorable consideration of Senate Bill 6 as it passed the Senate without a sunset provision. In the event the case load of the Court should be reduced to a point where five Justices could manage the work, the Legislature has the constitutional power to reduce the Court to five Justices. The sunset is not needed.

Montana's district courts are the general jurisdiction trial courts of Montana. The Legislature has divided Montana into twenty-one judicial districts that are presided over by thirty-seven district judges. New filings in calendar year 1994 amounted to approximately 30,000 cases. In the district courts, as on the appellate level, cases are tending to become more complex and difficult, requiring a greater investment of judicial time to resolve the disputes.

Montana's courts of limited jurisdiction, which include courts of justices of the peace, city courts and municipal courts, are presided over by approximately 120 judges and these judges preside over 224 different courts.

Courts of limited jurisdiction are very important in Montana. In calendar year 1994 over 300,000 new cases were filed in these courts. Most of the Montana citizens who come into contact with the judicial system will have that contact initially in courts of limited jurisdiction. The Legislature wisely has enacted statutes that require a very specific and important training program for the judges presiding in these courts. The quality of justice available to Montana citizens has been greatly improved because of these requirements. For example, the Legislature has required that each judge in a court of limited jurisdiction attend training sessions twice each year and pass a certification test periodically. Failure to attend or pass the test will result in a judge being suspended and removed from his or her position.

Montana's judicial system also includes two legislatively created courts that may be identified as administrative courts, each of which plays an important role in Montana.

The Workers' Compensation Court has a very heavy case load and is a focal point of matters of great concern to Montana--the workers' compensation system. This court must provide a just and fair system for resolving workers' compensation claims and disputes.

The Legislature also created the Water Courts of Montana which have a task that is almost beyond

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

description in workload. Ultimately, this court system will put to rest the question of a fair and just determination of water rights of Montanans.

You will be provided with a detailed discussion of the statistics and other matters relating to each of the courts of Montana in the annual judicial report.

During the legislative process, occasionally a judge may wish to comment on a particular legislative matter or a legislator may contact an individual judge concerning a pending legislative matter. Although no judge should express an opinion how he or she would individually vote if any related question came before the Court, it should be noted, however, that Canon 23 of the Canons of Judicial Ethics provides that: "A judge has exceptional opportunity to observe the operation of statutes and may contribute to the public interest by advising the Legislature from time to time on issues of judicial administration."

You will be considering a number of bills that have a significant impact on judicial administration.

The 1993 session of the Legislature enacted House Bill 525 and created the Judicial Unification and Finance Commission, directing it to conduct a study of the financing and organization of the Montana Judiciary. In November 1994, this Commission filed its report with you.

The Commission's report proposed seven legislative bills, which I understand have been or will be introduced. Each of these measures deserves your careful consideration, particularly in the area of assistance in funding and the mechanism therefor in district courts in Montana. House Bill 188 is an act revising state and county responsibility for district court funding. This bill is a major piece of legislation deserving of your consideration and support.

The Commission also is recommending Senate Bill 127 to provide much-needed assistance to counties and the district courts in criminal cases in such matters as post-conviction relief and habeas corpus.

Other important legislative recommendations made by the Commission address district court record retention, court automation and assignment of district judges to other districts. The Commission also recommended the retention of the seven-member Supreme Court.

I have noted that there are bills in the Legislature addressing salaries for certain elected state officials. Among such bills is a bill to increase the salary of the Governor of the State of Montana. I hope the Legislature will find it appropriate to approve such a measure.

I understand that the total projected spending authority that the Legislature will provide state government for the two-year period covering the next biennium amounts to approximately \$6,171,486,000. The salary that you have provided for the Governor is \$55,502 annually. As chief executive officer, the Governor is responsible for overseeing and management of a biannual spending for state government in excess of six billion dollars, in addition to the many other discretionary duties that have tremendous impact upon and importance to the people of the state of Montana. Clearly, this draws into question whether or not that compensation is reasonable and fair.

Among other bills, you will be asked to consider a bill or bills relating to compensation for the Montana judiciary--specifically, salaries of the thirty-seven district court judges and the seven Supreme Court Justices.

If Montanans are to keep and maintain a first-rate judicial system, we simply must have a compensation system which can reasonably be expected to retain and recruit our best lawyers to become judges. If embarrassment at being fiftieth in judicial pay in this nation were all that was at stake, I believe we could certainly stand it. However, the consequences of such low salaries go beyond embarrassment and threaten to undermine the judicial system itself. The current level of salaries offers little hope of insuring the future of our currently first-rate system.

It is my understanding that one of the bills that you will be asked to consider concerning judicial compensation will provide for a reasonable increase commencing July 1, 1995, and each six months thereafter until January 1, 1997. Once the increase is fully implemented, the bill provides for a judicial survey of compensation paid judges in our neighboring states of North Dakota, South Dakota, Wyoming and Idaho and adjusts the salaries commensurate with judges in these states.

We sincerely trust that you will find such proposals acceptable or at least provide a comparable compensation plan in some alternative that you may want to consider.

I bring to your attention that the total judiciary budget during the next biennium amounts to three-tenths of one percent of the total spending authority of \$6,171,486,000. Certainly, the judicial branch, as a co-equal



HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

branch constitutionally in our governmental structure, is not being granted an excessive amount of the spending authority--three-tenths of one percent thereof.

There is another area of concern to the judiciary, adequate support for the statewide automation of our court system. In today's world of technology, it is of great importance that our courts be provided the tools that will allow them to manage the ever-increasing number of cases with ever-increasing complexity that are filed on a daily basis.

Much has been accomplished; however, it must be understood that statewide automation of our judicial system is a difficult process with few shortcuts. The Supreme Court in initially addressing this concern realized that a uniform set of rules had to be put into place to avoid a problem where we would be faced with fifty-six different computer systems in our counties. Under the present system, a uniformity is required so that all court systems in the future will have the capability of communicating on a uniform software format.

Under the direction of the court administrator's office, much has been accomplished. Approximately one-third of all the courts of Montana have been advanced toward automation. By the fall of 1993, the office of the court administrator had installed product or provided support services to over 250 court-related personnel at fifty-four sites in nineteen judicial districts. The sites span the state from Sidney to Wibaux, to Libby to Virginia City and Chinook.

One of the important and difficult tasks that I had instructed the office of the court administrator to pursue is the development of our own case management system--in other words, the software that is required to run the computers. The importance of owning and developing in-house software is obvious. There is no need to pay an outside provider an exorbitant amount of lease money in order to use a software rented package. On a statewide basis in the long term, such in-house developed software, provided at no cost to the users in all of the counties of Montana, will save tax dollars in huge proportions.

For statewide automation, the judiciary has been allocated on an average basis \$168,000 for each of the past several years. This is not an adequate sum to complete or manage a statewide automation program.

One example of the importance of immediate availability of data base information can be found in courts of limited jurisdiction where the Legislature has mandated increased penalties for those convicted of multiple drunken driving offenses. Without access to data base information, a repeat offender may have pled guilty in several of our Montana counties or municipalities and have been sentenced as a first offender each time because the courts simply had no way of knowing that this individual had been convicted in other Montana localities.

Another example of the importance of information available by data base is found in the requirement that sex offenders, particularly those convicted of child molestation, are to be tracked and monitored. Without a data base in our justice system, I doubt that this would be possible.

You will be asked to consider one or more proposals for providing a reasonable source of funding statewide judicial automation without resorting to the general fund. One such proposal will include, in part, a provision that upon conviction of a criminal offense, a five dollar surcharge will be required of the defendant at the time of sentencing. Such a source of funding would provide a stable basis without requiring additional pressure on the state general fund. We respectfully request your favorable consideration of such legislation.

Increased complexity of litigation and increased litigation in general will without a doubt confront our court system in the future. I would like to take just a moment to talk with you about an issue that has troubled me for some time. It hovers over our entire judicial process. Take a moment to think back to your own life experiences and ask yourself when was the last time you heard the simple statement, "I am responsible." In our criminal justice system, in our civil system, and as we are reminded daily in the media, in today's world nobody is responsible for anything. Either things just happen or, more likely, we are all victims. Evading individual responsibility is not an excuse--it has become a given. Unfortunately, this I fear is a public mindset, coupled with a lack of civility between individual citizens, which forms a nesting ground and rookery for increased litigation.

The Book of Genesis reminds us that shirking individual responsibility is as old as the story of mankind. When it came time to explain the missing fruit and the loss of innocence, Adam blamed Eve, and Eve blamed the serpent.

Our civil courts underpin our economy and way of life. They mirror and help develop positive changes



HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

in the economic, technological, ideological and moral conditions of society. They yield benefits far greater than those accruing to the litigants alone. For example, landmark cases represent turning points in law and social attitudes. Nonlitigants order their affairs by the results of these cases.

To those injured on the job or by a defective product, to victims of negligence, to those evicted unfairly, to defenders of our waterways against chemical dumping, to small businesses fending off monopolistic practices, to people with a grievance against their government, to abandoned children who need adoption or protective care, to farmers, ranchers and shop owners fighting to keep their properties and their doors open in difficult times, to those discriminated against on the basis of race, age, sex, religion, disability or other unlawful reasons, our civil courts represent the fulfillment of the basic need for fairness and justice.

In closing, I want to specifically acknowledge with gratitude the invaluable help and assistance of the State Bar of Montana. Its officers and members have unselfishly provided to the Court and the people of this state many services that were rendered without charge. Invaluable help and assistance has been provided by the University of Montana School of Law, through the time and effort freely given by Dean Rodney K. Smith and the faculty of the School of Law. I also recognize the professional and dedicated work and support of the staff of the Court and also Patrick Chenovick, court administrator and his staff. Without this professional and dedicated assistance, effective administration of justice would not be accomplished.

Times move quickly, and while the present may seem eternal, all too soon future generations will be here to appraise us as we now appraise the work of our forebears. When they do, they will hopefully conclude: This was our state--still in its youth--and we did our work well.

On behalf of the Montana Judiciary, I thank the members of the Legislature for their support and willingness to listen to the accomplishments and concerns of Montana's judiciary. With my personal appreciation, I sincerely thank you.

The Honorable Chief Justice Turnage and the Honorable Justices were escorted from the House Chamber by the escort committee.

Senator Harp moved the joint session of the 54th Legislature be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

Majority Leader Grinde moved that the House recess until 1:15 p.m. Motion carried.

House recessed at 11:40 p.m.

House reconvened at 1:15 p.m. Mr. Speaker in the Chair. Invocation by Representative Daniel C. Fuchs. The Pledge of Allegiance to the Flag followed.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-second legislative day, find the same to be correct.

Hayne, Chairman

Mr. Speaker introduced this week's pages:

Karrie Arntzen, Hilger  
Shannon Crowley, Butte  
Leo Prigge, Butte

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

Forest Brown, Florence  
Ericha Stetzner, Butte  
Brian Schuppe, Billings  
Michael Rice, Dillon  
Corinne McDonald, Polson (permanent page)  
Cory Benjamin, Butte (permanent page)

Honorary Pages

Anna Jackson, Missoula  
Sarah Wilmoth, Helena  
Jamie Cornwell  
Arto Alexanian  
Valencia Ryan

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 1/27/95  
Correctly printed for second reading: HB 10, HB 12, HB 184, HB 143, HB 199, HB 310, HB 204.  
Correctly engrossed for third reading: HB 141, HB 161, HB 164, HB 174, HB 175, HB 205, HB 246, HB 298.  
Delivered to the Governor for his approval at 4:00 p.m., 1/26/95: HB 95.

APPROPRIATIONS (Zook, Chairman): 1/26/95  
**HB 10**, introduced bill, be amended as follows:

1. Page 1, line 10.  
Following: "through."  
Strike: "8"  
Insert: "10"

2. Page 1, line 13.  
Following: "through"  
Strike: "8"  
Insert: "10"

3. Page 3.  
Following: line 9  
Insert: "**NEW SECTION. Section 5. Petroleum substitutes from agricultural products -- appropriation.** There is appropriated \$10,000 from the stripper well payments contained in the federal special revenue fund to the department of natural resources and conservation to foster expanded use of alternative transportation fuels derived from agricultural products that may reduce petroleum consumption, produce environmental benefits to Montana, and result in potential new cash crops for Montana farmers. Money expended under this appropriation must be matched at least dollar for dollar with private or federal revenue, or both."

Renumber: subsequent sections.

4. Page 3.  
Following: line 14  
Insert: "**NEW SECTION. Section 7. Northern Montana college tractor resource center -- appropriation.** There

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

is appropriated \$125,000 from the stripper well payments contained in the federal special revenue fund to northern Montana college to support the ongoing activities of the northern Montana college tractor resource center."

Renumber: subsequent sections.

5. Page 3, line 26.

Following: "through"

Strike: "6"

Insert: "8"

6. Page 3, line 27.

Following: "sections 4"

Strike: "and 5"

Insert: "through 7"

7. Page 4, line 1.

Following: "section"

Strike: "6"

Insert: "8"

8. Page 4, line 4.

Following: "(1)"

Strike: "The appropriation in [section 4] is given a higher priority than the appropriation in [section 5]."

Insert: "The appropriations in [section 4 through 7] are approved in order of priority as they appear in [sections 4 through 7]."

9. Page 4, line 6.

Strike: "the program that is funded by [section 4]"

Insert: "one or more of the programs that are funded by [sections 4 through 7]"

10. Page 4, line 8.

Strike: "1"

Insert: "4"

11. Page 4, line 9.

Following: "sections"

Strike: "1"

Insert: "4"

12. Page 4, line 13 and 18.

Following: "sections 4"

Strike: "and 5"

Insert: "through 7"

13. Page 4, line 23.

Following: "sections 4"

Strike: "and 5"

Insert: "through 7"



HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

And, as amended, do pass. Report adopted.

**HB 12**, introduced bill, be amended as follows:

1. Page 2, line 2.

Following: "[section 4]"

Strike: "\$600,000"

Insert: "\$625,000"

2. Page 2.

Following: line 27

Insert: "Montana State University-Northern"

3. Page 3.

Following: line 8

Insert: "(5) The retrofit of Montana state university-northern must be conducted as a pilot project, using performance contracting. Montana state university-northern shall use state general obligation bonds authorized under [section 4] to fund energy efficiency improvements in campus buildings used for instructional purposes. Montana state university-northern may provide financing other than state general obligation bonds for energy efficiency improvements in buildings supported by student fees and revenue. Whenever state general obligation bonds are used, resulting energy cost savings must be transferred to the energy conservation program account as provided in 90-4-614. If funding other than state general obligation bonds is used for improvements in buildings supported by student fees and revenue, a performance contract must be developed jointly by Montana state university-northern, the department of natural resources and conservation, and the department of administration and any resulting energy cost savings in these buildings in excess of debt service and program costs must remain with the auxiliary services at Montana state university-northern."

4. Page 3, line 12.

Following: "exceed"

Strike: "\$5"

Insert: "\$5.5"

And, as amended, do pass. Report adopted.

**BUSINESS & LABOR** (Simon, Chairman):

1/26/95

**HB 310**, introduced bill, do pass. Report adopted.

**HIGHWAYS & TRANSPORTATION** (Anderson, Chairman):

1/25/95

**HB 204**, introduced bill, be amended as follows:

1. Page 1, line 28.

Following: "salvage"

Strike: "vehicle"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

HUMAN SERVICES & AGING (Grimes, Chairman):

1/26/95

**HB 184**, introduced bill, be amended as follows:

1. Page 3, line 1.  
Strike: "practical"  
Insert: "clinical"  
Following: "experience"  
Insert: "in the last 15 years prior to filing the application"

And, as amended, do pass. Report adopted.

**SB 32**, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

1/26/95

**HB 143**, introduced bill, be amended as follows:

1. Title, line 7.  
Strike: "THE INCREASE IN"  
Insert: "A PORTION OF"

2. Page 1, line 28.  
Page 1, line 29.  
Strike: "\$85"  
Insert: "\$80"

3. Page 1, line 30.  
Page 2, line 1.  
Strike: "\$125"  
Insert: "\$120"

4. Page 2, line 2.  
Strike: "\$65"  
Insert: "\$60"

5. Page 2, line 6.  
Strike: "\$2"  
Insert: "\$3"

6. Page 2, line 12.  
Strike: "\$25"  
Insert: "\$5"

7. Page 2, line 13.  
Strike: "\$30"  
Insert: "\$10"

8. Page 2, line 17.  
Strike: "\$75"

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

Insert: "\$70"

9. Page 3, line 6.

Strike: "\$40"

Insert: "\$35"

10. Page 3, line 21.

Strike: "\$20"

Insert: "\$15"

11. Page 4.

Following: line 9

Insert: "(8) Of the amount collected for each certificate, with seal, as provided in subsection (1)(h):

(a) \$2 must be deposited in the county district court fund. If no county district court fund exists, fees must be deposited in the county general fund for district court operations.

(b) \$1 must be deposited in the fund established in [section 1] for district court records."

Renumber: subsequent subsections

12. Page 4, line 15.

Strike: "20"

Insert: "\$15"

13. Page 4, line 30.

Following: "(1)(g)"

Insert: "and (1)(i)"

14. Page 5, line 15.

Strike: "(10)"

Insert: "(11)"

15. Page 5, line 16.

Strike: "(8)(d)"

Insert: "(9)(d)"

16. Page 5, line 17.

Strike: "(9)(b)"

Insert: "(10)(b)"

And, as amended, do pass. Report adopted.

**HB 199**, introduced bill, do pass. Report adopted.

**SB 45**, be amended as follows:

1. Title, line 6.

Following: "WELLS;"

Insert: "MAKING THE WITHHOLDING OF TAXES FROM ROYALTY INTERESTS MANDATORY;"



HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

2. Page 4, line 16.

Strike: "may"

Insert: "shall"

And, as amended, be concurred in. Report adopted.

**SB 57**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House:

1/27/95

**HB 28**, introduced by Schwinden

Senate bills passed and transmitted to the House for concurrence:

1/27/95

**SB 48**, introduced by Keating

**SB 165**, introduced by Aklestad

**SB 175**, introduced by Van Valkenburg

**SB 185**, introduced by Van Valkenburg

**SB 77**, introduced by Van Valkenburg, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 1/27/95 to the House with the following vote:

18 - Yeas

32 - Nays

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 348**, introduced by Harper, referred to Committee on Fish & Game.

**HB 349**, introduced by Raney, referred to Committee on Fish & Game.

**HB 350**, introduced by Peck, referred to Committee on Natural Resources.

**HB 351**, introduced by Peck, referred to Committee on Natural Resources.

**HB 352**, introduced by Peck, referred to Committee on Education & Cultural Resources.

**HB 353**, introduced by Wiseman, referred to Committee on Taxation.

**HB 354**, introduced by Mills, referred to Committee on Appropriations.

**HB 355**, introduced by Rehbein, referred to Committee on Judiciary.

**HB 356**, introduced by Boharski, referred to Committee on Judiciary.

**HB 357**, introduced by Boharski, referred to Committee on Judiciary.

**HB 358**, introduced by Trexler, referred to Committee on Local Government.

**HB 359**, introduced by Simpkins, referred to Committee on Business & Labor.

**HB 360**, introduced by Quilici, referred to Committee on Taxation.

**HB 361**, introduced by Kadas, referred to Committee on Local Government.

**HB 362**, introduced by Forbes

**HB 363**, introduced by Swanson, referred to Committee on Taxation.

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

The following Senate bills were introduced, read first time, and referred to committees:

**SB 48**, introduced by Keating, referred to Committee on Natural Resources.

**SB 77**, introduced by Emerson, referred to Committee on Judiciary.

**SB 165**, introduced by Aklestad, referred to Committee on Judiciary.

**SB 175**, introduced by Van Valkenburg, referred to Committee on Judiciary.

**SB 185**, introduced by Van Valkenburg, referred to Committee on Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tuss in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 46** - Representative Simon moved HB 46 do pass. Motion carried as follows:

Ayes: Barnhart, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fuchs, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Kitzenberg, Kottel, Larson, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Pavlovich, Peck, Quilici, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, S. Smith, Soft, Squires, Stovall, Trexler, Tropila, Tuss, Wells, Wennemar, Wyatt.

Total 54

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Cobb, Cocchiarella, DeBruycker, Feland, Fisher, Forbes, Grady, Green, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, Molnar, Murdock, Ohs, Orr, Rose, Sliter, Somerville, Story, Swanson, Tash, Taylor, Vick, Wagner, Wiseman, Zook, Mr. Speaker.

Total 44

Excused: L. Smith.

Total 1

Absent or not voting: Raney.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tuss moved that the Committee of the Whole report be adopted. Report adopted. (86-11)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

**HB 205** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bergsagel, Boharski, Brainard, Green, M. Hanson, Jore, Rehbein, S. Smith, Taylor, Vick.  
Total 10

Excused: L. Smith.  
Total 1

Absent or not voting: Ellis, Holland, Peck.  
Total 3

**HB 246** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Brainard, Feland, Grinde, Jore, Keenan, Nelson, Trexler.  
Total 7

Excused: L. Smith.  
Total 1

Absent or not voting: Cobb, Heavy Runner.  
Total 2

**HB 298** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar,



HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, Jore, S. Smith.

Total 3

Excused: L. Smith.

Total 1

Absent or not voting: Cobb.

Total 1

**HB 141** passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Tuss, Vick, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Ahner, Bergman, Boharski, Cocchiarella, Galvin, Green, Heavy Runner, Herron, Hurdle, Jore, Keenan, Martinez, Masolo, McCann, Rehbein, Schwinden, Shea, Taylor, Tropila, Wagner, Wennemar.

Total 21

Excused: L. Smith.

Total 1

Absent or not voting: Cobb, Fisher, Hagener, Story, Trexler.

Total 5

**HB 161** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

Excused: L. Smith.

Total 1

Absent or not voting: Cobb, Devaney, Marshall, Wagner.

Total 4

**HB 164** passed as follows:

Ayes: Anderson, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Ahner, Barnett, Bergman, Boharski, Brainard, Curtiss, DeBruycker, Denny, Jore, Keenan, Knox, Rehbein, Sliter, S. Smith, Vick, Wagner.

Total 16

Excused: L. Smith.

Total 1

Absent or not voting: Cobb.

Total 1

**HB 174** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: L. Smith.

Total 1

Absent or not voting: Cobb, McCann, Ream, Rose, Squires.

Total 5

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 27, 1995

**HB 175** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: DeBruycker, Herron, Jore, Knox, Ohs, Rehbein, Story.

Total 7

Excused: L. Smith.

Total 1

Absent or not voting: Cobb, Ellingson, Forbes, Heavy Runner.

Total 4

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 28, 1995. Motion carried.

House adjourned at 2:00 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
January 28, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Sam Kitzenberg. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Bohlinger, Fuchs, McCann, McGee, Molnar, Pavlovich, Raney, Sliter, Smith, Tash, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/28/95  
Correctly printed for second reading: HB 167, HB 185, HB 282, HB 136, HB 286, HB 239, HB 307, HJR 8.  
Correctly engrossed for third reading: HB 46.  
Correctly enrolled: HB 28.  
Examined by the sponsor and found to be correct:  
    HB 28 - Schwinden  
Signed by the Speaker at 8:40 a.m., 1/28/95: HB 28.

**BUSINESS & LABOR** (Simon, Chairman): 1/27/95  
**HB 239**, introduced bill, be amended as follows:

1. Title, lines 5 through 18.  
Following: "BATHING AREAS;"  
Strike: remainder of line 5 through "ACCOUNT;" on line 18  
Following: "AMENDING" on page 18  
Strike: "SECTIONS"  
Insert: "SECTION"

2. Title, line 19.  
Strike: line 19 in its entirety

3. Page 1.  
Strike: lines 22 through 30 in their entirety

4. Page 2, lines 6 through 8.  
Strike: subsection (1) in its entirety  
Renumber: subsequent subsections

5. Page 2, line 26 through page 9, line 8.  
Strike: sections 2 through 14 in their entirety

And, as amended, do pass. Report adopted.

**HB 286**, introduced bill, be amended as follows:

1. Page 1, line 13.  
Following: first "coerce"

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Strike: ", "  
Following: "or"  
Insert: "or"  
Following: second "coerce"  
Strike: ", or persuade"

2. Page 1, line 15.

Following: "department"

Strike: ";

Insert: ". However, nothing in this part prohibits a brewer or beer importer from suggesting wholesale prices for products to distributors or from discussing wholesale prices with distributors."

And, as amended, do pass. Report adopted.

**HB 307**, introduced bill, be amended as follows:

1. Page 1, line 30.

Following: "charge of"

Strike: "\$15"

Insert: "\$5"

And, as amended, do pass. Report adopted.

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman):

1/27/95

**HB 167**, introduced bill, do pass. Report adopted.

FISH & GAME (Wagner, Chairman):

1/26/95

**HJR 8**, introduced bill, do pass. Report adopted.

**SB 70**, be concurred in. Report adopted.

LOCAL GOVERNMENT (Boharski, Chairman):

1/27/95

**HB 136**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "7-5-2411,"

Strike: "AND"

2. Title, line 6.

Following: "7-5-2412,"

Insert: "AND 7-5-2413,"

3. Page 1, line 11.

Strike: "require"

Insert: "provide"

4. Page 1, line 12.

Following: "(1)"



HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Insert: "for"

5. Page 1, lines 14 and 15.

Strike: "the" on line 14 through "advertising" on line 15

Insert: "for county printing contracts for printed forms and materials"

6. Page 3, lines 10 and 11.

Strike: "A" on line 10 through "job" on line 11

Insert: "Contracts for printed forms and materials may be awarded on an annual basis or may be awarded for a specific printing job"

7. Page 3, line 27.

Following: "~~of the~~"

Insert: "contract must be let to the printing establishment that in the judgment of the"

8. Page 3, line 27.

Strike: "shall"

Insert: "is the most suitable for performing the work. The county commissioners shall require a contractor to perform the county printing contract subject to the requirements of 18-2-201"

9. Page 4, lines 1 and 2.

Strike: "accept" on line 1 through "county" on line 2

10. Page 4, following line 3.

Insert: "(2) This part may not be construed to compel the acceptance of unsatisfactory work."

Renumber: subsequent subsection

11. Page 4, line 4.

Following: "printing"

Strike: ", including"

Insert: "or"

Following: "advertising"

Strike: " , "

12. Page 4, line 10.

Insert: "**Section 7.** Section 7-5-2413, MCA, is amended to read:

**"7-5-2413. Competitive bids required.** The board of county commissioners shall call for competitive bids from persons or firms qualified to bid on county printing, or for county legal advertising if there is more than one legally qualified newspaper in the county, under the terms of this part." "

And, as amended, do pass. Report adopted.

**HB 185**, introduced bill, do pass. Report adopted.

**HB 282**, introduced bill, do pass. Report adopted.

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

**ADVERSE COMMITTEE REPORT**

**HJR 7** - Representative Hibbard moved the adverse committee report on HJR 7 be adopted.

Representative Cobb made a substitute motion the adverse committee report be not adopted and HJR 7 be printed and placed on second reading. Motion failed.

Thereupon, the adverse committee report was adopted as follows:

Ayes: Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Ewer, Fisher, Fuchs, Galvin, Green, Hagener, Harper, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kottel, Larson, McCulloch, McKee, Menahan, Mills, Orr, Peck, Rehbein, Ryan, Shea, Simpkins, L. Smith, S. Smith, Soft, Squires, Tash, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wyatt.  
Total 48

Noes: Ahner, Bohlinger, Carey, Clark, DeBruycker, Devaney, Elliott, Ellis, Feland, Forbes, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, R. Johnson, Kadas, Kitzenberg, Knox, Marshall, Martinez, Masolo, Molnar, Murdock, Nelson, Ohs, Quilici, Ream, Rose, Schwinden, Simon, Somerville, Story, Stovall, Swanson, Taylor, Tuss, Wiseman, Zook, Mr. Speaker.  
Total 44

Voted Absentee: Fuchs, Tash, Ayes; Bohlinger, Molnar, Noes.

Excused: McCann, McGee, Pavlovich, Raney, Sliter.  
Total 5

Absent or not voting: Barnett, Grimes, Heavy Runner.  
Total 3

**MESSAGES FROM THE SENATE**

**SB 148**, introduced by Emerson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 1/27/95 to the House with the following vote:

YEAS - 33  
NAYS - 16

House bills concurred in and returned to the House:

1/28/95

**HB 75**, introduced by Wiseman  
**HB 102**, introduced by Rose  
**HB 107**, introduced by DeBruycker

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 1/28/95

**HB 31**, introduced by Ewer  
**HB 119**, introduced by Quilici

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Senate bills passed and transmitted to the House for concurrence:

1/28/95

**SB 49**, introduced by Swysgood  
**SB 52**, introduced by Harp  
**SB 91**, introduced by Cole  
**SB 125**, introduced by Keating  
**SB 139**, introduced by Harp

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 364**, introduced by Mills, referred to Committee on Highways & Transportation.  
**HB 365**, introduced by Cobb, referred to Committee on Education & Cultural Resources.  
**HB 366**, introduced by Kasten, referred to Committee on Human Services & Aging.  
**HB 367**, introduced by Jore, referred to Committee on Education & Cultural Resources.  
**HB 368**, introduced by Holland, referred to Committee on Education & Cultural Resources.  
**HB 369**, introduced by Wells, referred to Committee on Education & Cultural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Boharski in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 105** - Representative Grinde moved consideration of HB 105 be passed for the day. Motion carried.

**HB 147** - Representative Grinde moved consideration of HB 147 be passed for the day. Motion carried.

**HB 200** - Representative Simon moved HB 200, second reading copy, be amended (amendment #1).

Representative Simon moved consideration of HB 200 be passed for the day. Motion carried.

Representatives Clark and J. Johnson excused at this time.

**HB 295** - Representative Tropila moved HB 295, second reading copy, be amended (amendment #1).

Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Knox, Kottel, Larson, Marshall, McCulloch, Menahan, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 38



HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Martinez, Masolo, McKee, Mills, Nelson, Ohs, Orr, Rehbein, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 56

Voted Absentee: J. Johnson, Pavlovich, Raney, Ayes; Fuchs, No..

Excused: Bohlinger, McCann, McGee, Molnar, Sliter, Tash.

Total 6

Absent or not voting: None.

Total 0

Representative Tropila moved consideration of HB 295 be placed at the bottom of the second reading board. Motion failed.

Representatives Fisher and Vick excused at this time.

Representative Holland moved HB 295 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Hurdle, Jore, Kadas, Kottel, Larson, Marshall, McCulloch, Menahan, Peck, Quilici, Ream, Schwinden, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar.

Total 29

Voted Absentee: Bohlinger, Fisher, Fuchs, J. Johnson, McCann, McGee, Molnar, Pavlovich, Raney, Sliter, Tash, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: Clark, Grinde.

Total 2

Representative Nelson excused at this time.

**SB 3** - Representative Barnhart moved SB 3 be concurred in. Motion carried as follows:

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Fisher, Jore.  
Total 3

Voted Absentee: Bohlinger, Clark, Fuchs, J. Johnson, McCann, McGee, Molnar, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes; Fisher, No.

Excused: None.  
Total 0

Absent or not voting: Menahan.  
Total 1

**SB 21** - Representative Ellingson moved SB 21 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Voted Absentee: Bohlinger, Clark, Fisher, Fuchs, J. Johnson, McCann, McGee, Molnar, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes.

Excused: None.  
Total 0

Absent or not voting: Cocchiarella, Curtiss, Harrington, Jore.  
Total 4

**SB 33** - Representative Ewer moved SB 33 be concurred in. Motion carried as follows:

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: McCann, Molnar.

Total 2

Voted Absentee: Clark, Fisher, Fuchs, J. Johnson, McGee, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes; McCann, Molnar, Noes.

Excused: Bohlinger.

Total 1

Absent or not voting: Brainard, R. Johnson, S. Smith.

Total 3

**HB 137** - Representative Story moved HB 137 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, S. Smith, Soft, Somerville, Story, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: DeBruycker, Denny, Feland, Fisher, Galvin, Sliter, L. Smith, Stovall, Tash, Wagner.

Total 10

Voted Absentee: Fuchs, J. Johnson, McCann, McGee, Molnar, Nelson, Pavlovich, Raney, Vick, Ayes; Fisher, Sliter, Tash, Noes.

Excused: Bohlinger, Clark.

Total 2

Absent or not voting: Squires.

Total 1

Representative Menahan excused at this time.



HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

**HB 162** - Representative Taylor moved HB 162 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Feland, Heavy Runner, Marshall, Ryan, Wyatt.

Total 5

Voted Absentee: Bohlinger, Fisher, Fuchs, J. Johnson, McCann, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes.

Excused: Clark.

Total 1

Absent or not voting: Simpkins.

Total 1

**HB 173** - Representative Ewer moved HB 173 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Brainard, Denny, Feland, Grinde, H.S. Hanson, Hayne, Heavy Runner, Jore, Simpkins, S. Smith, Wagner.

Total 11

Voted Absentee: Bohlinger, Clark, Fisher, Fuchs, J. Johnson, McCann, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

**HB 194** - Representative Bergman moved HB 194 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cobb, Curtiss, Molnar, Orr, Peck, Wennemar.

Total 6

Voted Absentee: Clark, Fisher, Fuchs, J. Johnson, McCann, McGee, Menahan, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes; Molnar, No.

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 207** - Representative Barnett moved HB 207, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 19.

in two places

Following: "Title"

Strike: "33"

Insert: "32"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Mills, Murdock, Ohs, Orr, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: None.

Total 0

Excused: Bohlinger, Clark, Fisher, Fuchs, J. Johnson, McCann, McGee, Menahan, Molnar, Nelson, Pavlovich,

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Raney, Sliter, Tash, Vick.  
Total 15

Absent or not voting: Cocchiarella, Harrington.  
Total 2

Representative Barnett moved HB 207, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Ewer.  
Total 1

Voted Absentee: Fisher, Fuchs, J. Johnson, McCann, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes.

Excused: Bohlinger, Clark.  
Total 2

Absent or not voting: Forbes, Marshall, L. Smith.  
Total 3

**HB 208** - Representative Cobb moved HB 208 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Heavy Runner.  
Total 1

Voted Absentee: Fisher, Fuchs, J. Johnson, McCann, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes.



HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Excused: Bohlinger, Clark.  
Total 2

Absent or not voting: Grinde.  
Total 1

**HB 219** - Representative Kottel moved HB 219 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Arnott, Barnhart, DeBruycker, Fisher, Kasten, Rehbein, Sliter, S. Smith, Wagner.  
Total 9

Voted Absentee: J. Johnson, McCann, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Tash, Vick, Ayes; Fisher, Sliter, Noes.

Excused: Bohlinger, Clark, Fuchs.  
Total 3

Absent or not voting: Wiseman.  
Total 1

**HB 285** - Representative Larson moved HB 285 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Barnhart, Grinde.  
Total 2

Voted Absentee: Fisher, Fuchs, J. Johnson, McCann, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes.

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Excused: Bohlinger, Clark.  
Total 2

Absent or not voting: None.  
Total 0

**HB 10** - Representative Harrington moved consideration of HB 10 be passed for the day. Motion carried.

**HB 143** - Representative Harrington moved consideration of HB 143 be passed for the day. Motion carried.

**HB 12** - Representative Quilici moved HB 12 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Murdock.  
Total 1

Voted Absentee: Fisher, Fuchs, J. Johnson, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Sliter, Tash, Vick, Ayes.

Excused: Bohlinger, Clark, McCann.  
Total 3

Absent or not voting: None.  
Total 0

**HB 184** - Representative DeBruycker moved HB 184 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Carey, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Shea, Simpkins, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wiseman, Zook, Mr. Speaker.  
Total 72

Noes: Ahner, Arnott, Brainard, Curtiss, Denny, Feland, Fisher, Heavy Runner, Hurdle, Martinez, Masolo, Ohs, Ryan, Schwinden, Simon, L. Smith, Somerville, Tuss, Wagner, Wennemar, Wyatt.  
Total 21

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Voted Absentee: J. Johnson, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Tash, Vick, Ayes; Fisher, No.

Excused: Bohlinger, Clark, Fuchs, McCann, Sliter.

Total 5

Absent or not voting: Cobb, Hayne.

Total 2

**HB 310** - Representative Barnett moved HB 310 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Sliter.

Total 1

Voted Absentee: Fisher, Fuchs, J. Johnson, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Tash, Vick, Ayes; Sliter, No.

Excused: Bohlinger, Clark, McCann.

Total 3

Absent or not voting: None.

Total 0

**SB 32** - Representative Squires moved SB 32 be concurred in. Motion carried as follows:

Ayes: Barnhart, Bergsagel, Carey, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Sliter, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wennemar, Wyatt, Mr. Speaker.

Total 59

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Cobb, Curtiss, Denny, Ellis, Fuchs, Grady, Green, Holland, R. Johnson, Jore, Keenan, Knox, Marshall, Martinez, Ohs, Orr, Rehbein, Rose, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook.

Total 39

Voted Absentee: Fisher, J. Johnson, McGee, Menahan, Molnar, Nelson, Pavlovich, Raney, Sliter, Tash, Ayes; Clark, Fuchs, Vick, Noes.



HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Excused: Bohlinger, McCann.  
Total 2

Absent or not voting: None.  
Total 0

**HB 113** - Representative Ewer moved HB 113 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Bergsagel, Clark, Curtiss, Fuchs, Jore, Murdock, Ohs, Rehbein, S. Smith, Story, Taylor, Wagner.  
Total 12

Voted Absentee: Bohlinger, Fisher, J. Johnson, McGee, Menahan, Molnar, Nelson, Pavlovich, Sliter, Tash, Vick, Ayes; Clark, Fuchs, Noes.

Excused: McCann, Raney.  
Total 2

Absent or not voting: Trexler.  
Total 1

**HB 199** - Representative Elliott moved HB 199 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Boharski, Brainard, Cobb, Denny, Green, Jore, Keenan, Nelson, Rehbein, Simpkins, S. Smith, Wagner.  
Total 12

Voted Absentee: Bohlinger, Fisher, J. Johnson, McGee, Menahan, Molnar, Pavlovich, Sliter, Tash, Vick, Ayes; Nelson, No.

Excused: Clark, Fuchs, McCann, Raney.  
Total 4

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Absent or not voting: Bergman, Mills.

Total 2

**HB 204** - Representative Tropila moved HB 204 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Feland, Fisher, Grady, Grinde, Kasten, Molnar, Sliter, Tash.

Total 8

Voted Absentee: J. Johnson, McGee, Menahan, Nelson, Pavlovich, Vick, Ayes; Fisher, Molnar, Sliter, Tash, Noes.

Excused: Bohlinger, Clark, Fuchs, McCann, Raney.

Total 5

Absent or not voting: McCulloch.

Total 1

**SB 45** - Representative M. Hanson moved SB 45 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, Hagener, Heavy Runner, Hurdle, Schwinden, Wennemar.

Total 6

Voted Absentee: Bohlinger, Fisher, J. Johnson, McGee, Menahan, Molnar, Nelson, Pavlovich, Sliter, Tash, Vick, Ayes.

Excused: Clark, Fuchs, McCann, Raney.

Total 4

HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Absent or not voting: McCulloch, Somerville.  
Total 2

**SB 57** - Representative DeBruycker moved SB 57 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Hagener.  
Total 1

Voted Absentee: Fisher, J. Johnson, McGee, Molnar, Nelson, Pavlovich, Sliter, Tash, Vick, Ayes.

Excused: Bohlinger, Clark, Fuchs, McCann, Menahan, Raney.  
Total 6

Absent or not voting: McKee.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Boharski moved that the Committee of the Whole report be adopted. Report adopted. (79-3)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 46** failed as follows:

Ayes: Barnhart, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grimes, Grinde, Harper, Harrington, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, McGee, McKee, Mills, Murdock, Nelson, Pavlovich, Peck, Quilici, Ryan, Shea, Simon, Simpkins, Soft, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Wells, Wennemar, Wyatt.  
Total 48

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Cobb, Curtiss, DeBruycker, Denny, Feland, Grady, Green, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, Molnar, Ohs, Orr, Ream, Rehbein, Rose, Schwinden, Sliter, L. Smith, S. Smith, Somerville, Story, Tash, Taylor, Vick, Wagner, Wiseman, Zook, Mr. Speaker.



HOUSE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 28, 1995

Total 49

Voted Absentee: Bohlinger, Clark, Fisher, Fuchs, J. Johnson, McGee, Nelson, Pavlovich, Ayes; Molnar, Sliter, Tash, Vick, Noes.

Excused: McCann, Menahan, Raney.

Total 3

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, January 30 1995. Motion carried.

House adjourned at 10:35 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
January 30, 1995

House Chambers  
State Capitol

House convened at 1:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Jeanette S. McKee. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Murdock, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 1/30/95  
Correctly printed for second reading: HB 104.  
Correctly engrossed for third reading: HB 12, HB 113, HB 137, HB 162, HB 173, HB 184, HB 194, HB 199,  
HB 204, HB 207, HB 208, HB 219, HB 285, HB 295, HB 310.  
Correctly enrolled: HB 75, HB 102, HB 107.  
Examined by the sponsor and found to be correct:  
HB 75 - Wiseman  
HB 102 - Rose  
HB 107 - DeBruycker

**APPROPRIATIONS** (Zook, Chairman): 1/30/95  
**HB 104**, introduced bill, do pass. Report adopted.

**NATURAL RESOURCES** (Knox, Chairman): 1/30/95  
**SB 46**, be concurred in. Report adopted.

**SB 71**, third reading copy, be amended as follows:

1. Title, line 10.  
Following: "PROVIDING"  
Strike: "AN IMMEDIATE"  
Following: "EFFECTIVE"  
Strike: "DATE"  
Insert: "DATES"
2. Page 4, lines 4 and 5.  
Following: "Effective" on line 4  
Strike: "date" through "is"  
Insert: "dates. (1) [Section 1 and this section] are"  
Following: line 4  
Insert: "(2) [Section 2] is effective September 30, 1995."

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 1/30/95

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

**HB 126**, introduced by Harper

**HB 171**, introduced by Mercer

Senate bills passed and transmitted to the House for concurrence:

1/30/95

**SB 40**, introduced by Benedict

**SB 55**, introduced by Eck

**SB 56**, introduced by Crippen

**SB 94**, introduced by Nelson

**SB 105**, introduced by Jenkins

**SB 111**, introduced by Devlin

**SB 120**, introduced by Hertel

**SB 196**, introduced by Gage

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 370**, introduced by Tropila, referred to Committee on State Administration.

**HB 371**, introduced by L. Smith, referred to Committee on Judiciary.

**HB 372**, introduced by McKee, referred to Committee on Business & Labor.

**HB 373**, introduced by Kottel, referred to Committee on Education & Cultural Resources.

**HB 374**, introduced by Harper, referred to Committee on Education & Cultural Resources.

**HB 375**, introduced by Harper, referred to Committee on Fish & Game.

**HB 376**, introduced by Simpkins, referred to Committee on State Administration.

**HB 377**, introduced by Harper, referred to Committee on Rules.

**HB 378**, introduced by Jore, referred to Committee on Judiciary.

**HB 379**, introduced by Murdock, referred to Committee on State Administration.

**HB 380**, introduced by McKee, referred to Committee on Judiciary.

**HB 381**, introduced by Knox, referred to Committee on Natural Resources.

**HB 382**, introduced by Pavlovich, referred to Committee on Judiciary.

**HB 383**, introduced by Ellingson, referred to Committee on Taxation.

**HB 384**, introduced by Ream, referred to Committee on Fish & Game.

**HB 385**, introduced by R. Johnson, referred to Committee on Human Services & Aging.

**HB 386**, introduced by Rose, referred to Committee on Agriculture, Livestock & Irrigation.

**HJR 15**, introduced by Wiseman, referred to Committee on State/Federal Relations.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 148**, introduced by Emerson, referred to Committee on State Administration.

**SB 49**, introduced by Swysgood, referred to Committee on Highways & Transportation.

**SB 52**, introduced by Harp, referred to Committee on Local Government.

**SB 91**, introduced by Cole, referred to Committee on Highways & Transportation.

**SB 125**, introduced by Keating, referred to Committee on Business & Labor.

**SB 139**, introduced by Harp, referred to Committee on Taxation.

**SB 40**, introduced by Benedict, referred to Committee on Human Services & Aging.

**SB 55**, introduced by Eck, referred to Committee on Human Services & Aging.



HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

SB 56, introduced by Crippen, referred to Committee on Taxation.  
SB 94, introduced by Nelson, referred to Committee on State Administration.  
SB 105, introduced by Jenkins, referred to Committee on State Administration.  
SB 111, introduced by Devlin, referred to Committee on Agriculture, Livestock & Irrigation.  
SB 120, introduced by Hertel, referred to Committee on Human Services & Aging.  
SB 196, introduced by Gage, referred to Committee on Business & Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jore in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 200** - Representative Simon moved HB 200, second reading copy, be amended as follows (amendment #1):

1. Page 13, line 24.

Following: line 23

Insert: "(e) A person who makes a false statement or misrepresentation concerning that person's status as an exempt independent contractor is subject to a civil penalty of \$1,000. The department may impose the penalty for each false statement or misrepresentation. The penalty must be paid to the uninsured employers' fund. The lien provisions of 39-71-506 apply to the penalty imposed by this section."

Renumber: subsequent subsection

2. Page 15, line 2.

Following: "out"

Insert: "-- exception"

Strike: "An"

Insert: "Except as provided in subsection (4), an"

3. Page 15, line 20.

Following: line 19

Insert: "(4) (a) An employer is not liable for injuries incurred by anyone working for an independent contractor if the employer, at the time that a contract is executed with an independent contractor, verifies in a notarized writing signed by both the employer and the contractor that:

(i) the contractor has provided to the employer a copy of the current independent contractor exemption issued by the department pursuant to 39-71-401(3) for the type of work that the contractor will be doing for the employer; and

(ii) the contractor:

(A) has stated, under penalty of perjury, that the contractor will personally perform all of the work required of the contractor by the contract without hiring any employee, assistant, or subcontractor who is not covered by workers' compensation insurance; or

(B) has provided to the employer a certificate of current workers' compensation insurance coverage for the contractor's employees.

(b) A person who makes a false statement or misrepresentation in connection with the written statement

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

provided for in subsection (4)(a) is subject to a civil penalty of \$1,000. The department may impose the penalty for each false statement or misrepresentation. The penalty must be paid to the uninsured employers' fund. The lien provisions of 39-71-506 apply to the penalty imposed by this section.

(5) If a dispute arises concerning whether an employer is entitled to the defense provided in subsection (4), the employer has the burden of proving compliance with the provisions of subsection (4)."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, Devaney, Elliott, Heavy Runner, Hurdle, Larson, Wyatt.

Total 7

Excused: Murdock.

Total 1

Absent or not voting: None.

Total 0

Representative Bergman moved HB 200, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Kadas, Peck.

Total 2

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

**HB 105** - Representative Bohlinger moved HB 105 do pass.

Representative Bohlinger moved consideration of HB 105 be placed at the bottom of the second reading board.  
Motion carried.

**HB 147** - Representative McGee moved consideration of HB 147 be passed for the day. Motion carried.

**HB 10** - Representative McCann moved HB 10 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Cobb, DeBruycker, Feland, Fuchs, Hayne, Kasten, Murdock, Rehbein, Wagner.

Total 9

Voted Absentee: Murdock, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 143** - Representative Pavlovich moved HB 143 do pass. Motion carried as follows:

Ayes: Anderson, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fuchs, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Marshall, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Somerville, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt.

Total 59

Noes: Ahner, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Feland, Fisher, Forbes, Green, Grimes, Grinde, Hayne, Herron, Holland, R. Johnson, Jore, Keenan, Knox, Martinez, Masolo, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Taylor, Trexler, Vick, Wagner, Zook, Mr. Speaker.

Total 40

Voted Absentee: Murdock, Aye.



HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

**HB 136** - Representative Ellis moved consideration of HB 136 be placed at the bottom of the second reading board.  
Motion carried.

**HB 185** - Representative Bergsagel moved HB 185 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Ellis, Heavy Runner, McKee, Molnar.

Total 4

**HB 239** - Representative Tuss moved HB 239, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 21.

Strike: "spas and"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Noes: Barnhart, Hurdle.  
Total 2

Excused: Murdock.  
Total 1

Absent or not voting: Arnott, Ellis, Kottel, Molnar, Wennemar.  
Total 5

Representative Hurdle moved HB 239, as amended, do pass. Motion carried as follows:

Ayes: Bergsagel, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.  
Total 55

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Ellis, Feland, Fuchs, Green, Grinde, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Kitzenberg, Martinez, Masolo, McGee, Mills, Molnar, Orr, Rehbein, Rose, Simpkins, L. Smith, S. Smith, Story, Stovall, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.  
Total 44

Voted Absentee: Murdock, Aye.

Excused: None.  
Total 0

Absent or not voting: Forbes.  
Total 1

**HB 282** - Representative Ewer moved HB 282 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Arnott, Bergsagel, Cobb, Denny, Feland, Grinde, McGee, Rehbein, L. Smith, Vick, Wagner.  
Total 11

Voted Absentee: Murdock, Aye.

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Excused: None.

Total 0

Absent or not voting: Molnar,

Total 1

**HB 286** - Representative Pavlovich moved HB 286 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: McGee.

Total 1

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Carey, L. Smith.

Total 2

**HB 307** - Representative Harrington moved consideration of HB 307 be passed for the day. Motion carried.

**HJR 8** - Representative M. Hanson moved HJR 8 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Martinez, Masolo, McCann, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, Marshall, McCulloch, McKee, Peck, Raney, Ream, Ryan, Schwinden, Squires, Swanson, Tuss, Wyatt.

Total 27

Voted Absentee: Murdock, Aye.



HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Excused: None.

Total 0

Absent or not voting: Tropila.

Total 1

**SB 70** - Representative Harper moved SB 70 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Arnott, Barnett, Bergsagel, Brainard, Clark, Feland, Fisher, Green, Grinde, Jore, Martinez, McGee, Molnar, Orr, Ryan, Simpkins, Story.

Total 17

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 105** - Representative Bohlinger moved HB 105 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Absent or not voting: None.  
Total 0

**HB 136** - Representative Ellis moved HB 136, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 15.  
Following: "FOR"  
Insert: "the purchase of"  
Following: "COUNTY"  
Strike: "PRINTING CONTRACTS FOR"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Cobb.  
Total 1

Excused: Murdock.  
Total 1

Absent or not voting: None.  
Total 0

Representative Ellis moved HB 136, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel, Cobb.  
Total 2

Voted Absentee: Murdock, Aye.

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Excused: None.  
Total 0

Absent or not voting: Arnott.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Jore moved that the Committee of the Whole report be adopted. Report adopted. (86-6)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 295** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Barnhart, Carey, Cocchiarella, DeBruycker, Ellingson, Elliott, Ewer, Galvin, Harper, Jore, Kadas, Kottel, Peck, Raney, Ryan, Schwinden, Trexler, Tropila, Tuss.  
Total 19

Voted Absentee: Murdock, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 3** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.



HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Total 95

Noes: Feland, Fisher, Harper, Jore, McCann.

Total 5

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 21** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Bergsagel.

Total 1

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 33** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Noes: None.  
Total 0

Voted Absentee: Murdock, Aye.

Excused: None.  
Total 0

Absent or not voting: Brainard, R. Johnson, Pavlovich.  
Total 3

**HB 137** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Soft, Squires, Story, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Denny, Feland, Fisher, Heavy Runner, Pavlovich, Peck, Sliter, L. Smith, S. Smith, Somerville, Stovall, Tash, Wagner.  
Total 13

Voted Absentee: Murdock, Aye.

Excused: None.  
Total 0

Absent or not voting: Fuchs.  
Total 1

**HB 162** passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Ahner, Bergsagel.

Total 2

**HB 173** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Brainard, Denny, Feland, Grady, Grinde, Hayne, Heavy Runner, Jore, Pavlovich, Simpkins, S. Smith, Wagner.

Total 12

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Martinez, Simon.

Total 2

**HB 194** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Mr. Speaker.

Total 90

Noes: Cobb, Cocchiarella, Hurdle, Menahan, Molnar, Peck, Tuss, Wennemar, Zook.

Total 9

Voted Absentee: Murdock, Aye.



HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Excused: None.  
Total 0

Absent or not voting: Trexler.  
Total 1

**HB 207** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Ewer.  
Total 1

Voted Absentee: Murdock, Aye.

Excused: None.  
Total 0

Absent or not voting: Devaney.  
Total 1

**HB 208** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Heavy Runner.  
Total 1

Voted Absentee: Murdock, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Absent or not voting: Carey, Fuchs, Green.

Total 3

**HB 219** passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Barnhart, DeBruycker, Fisher, Rehbein, Sliter, Wagner.

Total 7

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Marshall.

Total 1

**HB 285** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Barnhart, Grinde.

Total 2

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Forbes, Keenan, Nelson.

Total 3

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

**HB 12** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: DeBruycker.

Total 1

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: McKee.

Total 1

**HB 184** passed as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, DeBruycker, Devaney, Elliott, Ellis, Ewer, Forbes, Fuchs, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Shea, Simpkins, Sliter, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Arnott, Brainard, Cocchiarella, Curtiss, Denny, Ellingson, Feland, Fisher, Galvin, Harper, Heavy Runner, Herron, Hurdle, Martinez, Masolo, Ohs, Raney, Ryan, Schwinden, Simon, L. Smith, Somerville, Tuss, Wagner, Wennemar, Wyatt.

Total 26

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Ahner, Grady.

Total 2



HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

**HB 310** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cobb, Hurdle, Wennemar.

Total 3

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**SB 32** concurred in as follows:

Ayes: Barnhart, Carey, Clark, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ewer, Feland, Forbes, Galvin, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Shea, Simon, Sliter, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wennemar, Wyatt, Zook.

Total 57

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Cobb, Curtiss, Denny, Ellis, Fisher, Fuchs, Grady, Green, Grinde, Holland, R. Johnson, Jore, Keenan, Knox, Martinez, McCann, Ohs, Peck, Rehbein, Ryan, Schwinden, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 43

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

**HB 113** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Curtiss, Jore, Murdock, Ohs, Rehbein, S. Smith, Story, Taylor, Wagner.

Total 10

Voted Absentee: Murdock, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 199** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wennemar, Wiseman, Wyatt, Zook.

Total 74

Noes: Arnott, Bergsagel, Boharski, Brainard, Cobb, Denny, Green, Grinde, Hayne, Herron, Jore, Keenan, Martinez, McCann, Nelson, Raney, Rehbein, Simpkins, L. Smith, S. Smith, Wagner, Wells, Mr. Speaker.

Total 23

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: Carey, Clark, Simon.

Total 3

**HB 204** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Feland, Fisher, Hurdle, Jore, Kasten, McGee, Molnar, Nelson, Sliter, Vick.

Total 10

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 45** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Hagener, Heavy Runner, Hurdle, McCann, Peck, Schwinden, Wennemar.

Total 8

Voted Absentee: Murdock, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 57** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington,



HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Murdock, Aye.

Excused: None.  
Total 0

Absent or not voting: Marshall.  
Total 1

**MOTIONS**

**HB 202** - Representative Hibbard moved HB 202 be taken from the Committee on Taxation and rereferred to the Committee on Select Health Care. Motion carried.

**HB 143** - Representative Grady moved HB 143 be taken from third reading and rereferred to the Committee on Appropriations. Motion carried.

**HB 201** - Representative Ellis moved HB 201 be taken from second reading and rereferred to the Committee on Education & Cultural Resources. Motion carried.

**HB 88** - Representative Grinde moved HB 88 be changed to reflect Representative R. Johnson as chief sponsor. Motion carried.

**HB 186** - Representative Grinde moved HB 186 be changed to reflect Representative Kasten as chief sponsor. Motion carried.

**HB 46** - Representative Simon moved the House reconsider its action on HB 46 taken on third reading the previous legislative day. Motion carried. (50-49)

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 335: Representative Wennemar, Representative McCann.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, January 31, 1995. Motion carried.

HOUSE JOURNAL  
TWENTY-FIFTH LEGISLATIVE DAY - JANUARY 30, 1995

House adjourned at 3:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
January 31, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Gay Ann Masolo. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative H. Hanson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

1/31/95

Correctly printed for second reading: HB 158, HB 250, HB 283, HB 284, HB 300, HB 306, HB 312, HB 316, HB 319, HB 324, HB 333, HB 334, HJR 13.

Correctly engrossed for third reading: HB 10, HB 105, HB 136, HB 143, HB 185, HB 200, HB 239, HB 282, HB 286, HJR 8.

Correctly enrolled: HB 126, HB 171.

Examined by the sponsor and found to be correct:

HB 126 - Hayne

HB 171 - Mercer

Signed by the Speaker at 4:15 p.m., 1/30/95: HB 75, HB 102, HB 107.

Signed by the Speaker at 9:50 a.m., 1/31/95: HB 126, HB 171.

**EDUCATION & CULTURAL RESOURCES** (Ellis, Chairman):

1/30/95

**HB 300**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "FIVE"

Insert: "SIX"

2. Page 1, line 15.

Following: "Gallatin,"

Insert: "Granite,"

3. Page 1, line 18.

Strike: "Granite,"

And, as amended, do pass. Report adopted.

**HIGHWAYS & TRANSPORTATION** (Anderson, Chairman):

1/30/95

**HJR 13**, introduced bill, do pass. Report adopted.

**HUMAN SERVICES & AGING** (Grimes, Chairman):

1/31/95

**HB 333**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 334**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**JUDICIARY** (Clark, Chairman):

1/27/95

**HB 158**, introduced bill, be amended as follows:



HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

1. Page 1, lines 22 through 25.

Strike: "subject to" on line 22 through "construction of" on line 25

Insert: "when the damages are caused by negligence of the contractor, subcontractor, or builder in the use or construction of the scaffold, subject to the application of 27-1-702, for damages sustained by any person, except a fellow employee or immediate employer, who uses"

And, as amended, do pass. Report adopted.

**HB 250**, introduced bill, be amended as follows:

1. Page 1, lines 29 and 30.

Strike: "For" on line 29 through end of line 30

2. Page 2, line 4.

Page 3, line 3.

Strike: "computed" through last word on line

Insert: "the number of days that the fine is divisible by the dollar amount of the incarceration credit contained in 46-18-403"

3. Page 2, lines 28 and 29.

Strike: "For" on line 28 through end of line 29

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/31/95

**SJR 2**, be amended as follows:

1. Page 3, line 5.

Following: "advice"

Strike: "and" through "assistance"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/30/95

**HB 283**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "BALLOTS;"

Insert: "PROVIDING THAT NAMES BE ARRANGED RANDOMLY AS DETERMINED BY A PUBLIC LOT;"

2. Page 1, line 11.

Strike: "alphabetically"

Following: "ballot"

Strike: "according to surnames"

Following: "offices"

Insert: "and in a random order as determined by the election administrator. The election administrator shall determine this order by a random lot selection conducted by the county's governing body. The lot selection must be open to the public"

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

And, as amended, do pass. Report adopted.

**HB 284**, introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Following: "AN ACT"

Strike: "ELIMINATING" on line 4 through "GOVERNMENT" on line 6.

Insert: "RAISING THE NUMBER OF CANDIDATES NECESSARY BEFORE AN ELECTION  
ADMINISTRATOR IS REQUIRED TO CONDUCT A PRIMARY ELECTION"

2. Page 1, lines 19 and 21.

Strike: "twice"

Insert: "three times"

3. Page 1, line 26.

Strike: "Except as provided in subsection (5), the"

Insert: "The"

4. Page 1, lines 29 and 30.

Strike: subsection (5) in its entirety

5. Page 2, lines 7 and 8.

Strike: "All" on line 7 through "43," on line 8

Insert: "If, pursuant to 13-14-115(3), a primary election is not held, then all candidates who filed for an office"

And, as amended, do pass. Report adopted.

**HB 306**, introduced bill, do pass. Report adopted.

**HB 312**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "AVAILABLE"

Strike: "AT" through "FOR"

Insert: "WHEN A MONTANA CITIZEN APPEARS IN PERSON TO PURCHASE"

2. Page 1, line 12.

Strike: "prescribed by department"

3. Page 1, lines 14 and 15.

Strike: "with" on line 14 through "department" on line 15

Insert: "to each Montana citizen who appears in person to purchase a wildlife conservation license"

And, as amended, do pass. Report adopted.

**HB 316**, introduced bill, be amended as follows:

1. Page 1, line 17.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

Following: "service"

Insert: ", who has completed 1 full year of active membership in Montana subsequent to the member's out-of-state service,"

2. Page 2, lines 6 through 8.

Following: "plus interest."

Strike: "The" on line 6 through "service." on line 8

3. Page 2, line 21; page 3, line 18; and page 4, line 25.

Following: "(2)"

Insert: "(a)"

4. Page 4, line 3.

Following: "service"

Insert: ", who has completed 1 full year of active membership subsequent to the member's private school employment,"

5. Page 4, line 21.

Strike: "credit"

Insert: "purchase"

6. Page 7, following line 14.

Insert:

**"NEW SECTION. Section 7. Coordination instruction.** If House Bill No. 205 is not passed and approved or if it is passed and approved but does not contain a new section providing that a member of the teachers' retirement system may roll over, or transfer, the member's contributions from another qualified retirement plan to the teacher's retirement system, then [section 1(1)(b) of this act], amending 19-20-402, must read as follows:

"(b) If the member contributed to a public retirement plan, other than social security, while performing the out-of-state service, the member must receive a refund of the member's contributions for the service before qualifying service under this section."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 319**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "ELECTOR;"

Insert: "PROVIDING THAT A DESIGNATED PERSON MAY PICK UP A BALLOT FOR ONLY TWO OTHER ELECTORS;"

2. Page 2, line 6.

Strike: "and"

3. Page 2, line 8.

Following: "person"

Strike: " \_ "

Insert: "; and



HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

(iv) the designated person has not previously picked up ballots for two other electors."

And, as amended, do pass. Report adopted.

**HB 324**, introduced bill, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/31/95

**SB 87**, introduced by Gage  
**SB 104**, introduced by Hargrove  
**SB 117**, introduced by Hertel  
**SB 121**, introduced by Hertel  
**SB 142**, introduced by Beck  
**SB 160**, introduced by Nelson

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

1/27/95

Dear Representative Mercer:

Please be informed that I have signed House Bill 14 sponsored by Representative Zook on January 27, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

January 27, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 38 sponsored by Representative Harrington on January 27, 1995,

Sincerely,

MARC RACICOT  
Governor

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

January 27, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 40 sponsored by Representative Hayne on January 27, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

January 27, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 56 sponsored by Representative Rose on January 27, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

January 27, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 95 sponsored by Representative Ohs on January 27, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 387**, introduced by Boharski, referred to Committee on Business & Labor.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

**HB 388**, introduced by Ream, referred to Committee on Judiciary.

**HB 389**, introduced by Larson, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 87**, introduced by Gage, referred to Committee on Local Government.

**SB 104**, introduced by Hargrove, referred to Committee on Highways & Transportation.

**SB 117**, introduced by Hertel, referred to Committee on Local Government.

**SB 121**, introduced by Hertel, referred to Committee on Local Government.

**SB 142**, introduced by Beck, referred to Committee on Local Government.

**SB 160**, introduced by Nelson, referred to Committee on Highways & Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Swanson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 147** - Representative McGee moved HB 147, second reading copy, be amended (amendment #1).

Representative Grinde moved consideration of HB 147 be placed at the bottom of the second reading board. Motion carried.

**HB 167** - Representative Brainard moved HB 167, second reading copy, be amended (amendment #1).

Amendment #1 failed as follows:

Ayes: Bergman, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Forbes, Green, Grinde, Jore, Kasten, Keenan, McGee, Mills, Orr, Rehbein, Simpkins, L. Smith, S. Smith, Somerville, Taylor, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 28

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wyatt, Zook.

Total 70

Excused: H.S. Hanson.

Total 1

Absent or not voting: Grimes.

Total 1



HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

Representative Shea moved HB 167 do pass.

Representative Rehbein called for closure on discussion of HB 167. Motion carried.

The motion to pass HB 167 carried as follows:

Ayes: Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Ahner, Anderson, Barnett, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Green, M. Hanson, R. Johnson, Jore, Kasten, Keenan, Marshall, Orr, Rehbein, Simpkins, Sliter, S. Smith, Soft, Taylor, Vick, Wagner, Wells.

Total 26

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 104** - Representative Cobb moved HB 104 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Boharski, Brainard, Denny, Green, Grinde, Jore, Mills.

Total 7

Excused: H.S. Hanson.

Total 1

Absent or not voting: Clark, Devaney, Marshall.

Total 3

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

**SB 46** - Representative Story moved SB 46 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, DeBruycker, Feland, Grimes, Jore, Kasten, Vick.

Total 7

Excused: H.S. Hanson.

Total 1

Absent or not voting: Menahan.

Total 1

**SB 71** - Representative Sliter moved SB 71 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Arnott, Bergsagel, DeBruycker, Rehbein.

Total 4

Excused: H.S. Hanson.

Total 1

Absent or not voting: Cobb, Tropila.

Total 2

**HB 147** - Representative Somerville moved HB 147, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Following: "~~SURVEYING~~;"

Insert: "PROVIDING FOR INJUNCTIVE RELIEF AGAINST THE UNLICENSED PRACTICE OF ENGINEERING OR LAND SURVEYING;"

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

2. Page 4, following line 4.

Insert: "(3) The board may apply to the appropriate court for an injunction against a person found by the board to have practiced or attempted or offered to practice engineering or land surveying in this state without a valid certificate of registration.

(4) If a person violates an injunction against practice without a valid certificate of registration, the court may impose a fine in an amount not to exceed \$25,000."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Cocchiarella, Harper, Kadas, Molnar, Raney, Schwinden, Wennemar, Wyatt.

Total 8

Excused: H.S. Hanson.

Total 1

Absent or not voting: Cobb, Ellingson, Kasten, Sliter.

Total 4

Representative McGee moved HB 147, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: DeBruycker, Feland, Grinde, Kadas, Masolo, Molnar, Peck, Ryan, Schwinden.

Total 9

Excused: H.S. Hanson.

Total 1

Absent or not voting: Cobb.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed.



HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

Mr. Speaker in the Chair. Chairman Swanson moved that the Committee of the Whole report be adopted. Report adopted. (90-7)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 105** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: H.S. Hanson.

Total 1

Absent or not voting: Cobb.

Total 1

**HB 10** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: DeBruycker, Feland, Fuchs, Hayne, Kasten, Murdock, Rehbein, Wagner.

Total 8

Excused: H.S. Hanson.

Total 1

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

Absent or not voting: Cobb, Holland.  
Total 2

**HB 185** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Cobb.  
Total 1

**HB 282** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Arnott, Bergsagel, Curtiss, Denny, Feland, Grinde, McGee, Rehbein, L. Smith, Vick, Wagner.  
Total 11

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Cobb, Galvin.  
Total 2

**HB 286** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes,

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: McGee.

Total 1

Excused: H.S. Hanson.

Total 1

Absent or not voting: Cobb, Fuchs, Kitzenberg.

Total 3

**HJR 8** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Fuchs, Grady, Green, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Martinez, Masolo, McCann, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Marshall, McCulloch, McKee, Peck, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tuss, Wyatt.

Total 26

Excused: H.S. Hanson.

Total 1

Absent or not voting: Cobb, Forbes, Hagener, Tropila.

Total 4

**SB 70** concurred in as follows:

Ayes: Ahner, Barnhart, Bergman, Boharski, Bohlinger, Carey, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77



HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

Noes: Anderson, Arnott, Barnett, Bergsagel, Brainard, Clark, Curtiss, Fisher, Green, Grinde, Hurdle, Jore, Kottel, Martinez, McGee, Molnar, Orr, Peck, Simpkins, Story.

Total 20

Excused: H.S. Hanson.

Total 1

Absent or not voting: Cobb, Feland.

Total 2

**HB 46** passed as follows:

Ayes: Barnhart, Boharski, Bohlinger, Carey, Clark, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fuchs, Galvin, Grimes, Grinde, Hagener, Harper, Harrington, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Pavlovich, Quilici, Ream, Ryan, Shea, Simon, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt.

Total 51

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Brainard, Curtiss, DeBruycker, Denny, Devaney, Feland, Fisher, Forbes, Grady, Green, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Jore, Kasten, Keenan, Knox, Masolo, McCann, Molnar, Ohs, Orr, Peck, Raney, Rehbein, Rose, Schwinden, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Taylor, Trexler, Vick, Wagner, Zook, Mr. Speaker.

Total 46

Excused: H.S. Hanson.

Total 1

Absent or not voting: Ahner, Cobb.

Total 2

**MOTIONS**

Representative Hayne moved the rules be suspended to permit the late drafting and introduction of a bill. Motion failed. (36-62)

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 272: Representative Mills, Representative Story.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, February 1, 1995. Motion carried.

HOUSE JOURNAL  
TWENTY-SIXTH LEGISLATIVE DAY - JANUARY 31, 1995

House adjourned at 2:40 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 1, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Don Holland. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Ellis, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-third, twenty-fourth and twenty-fifth legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 2/1/95  
Correctly printed for second reading: HB 100, HB 135, HB 168, HB 177, HB 232, HB 320, HB 336.  
Correctly engrossed for third reading: HB 104, HB 147, HB 167.  
Delivered to the Governor for his approval at 8:40 a.m., 2/1/95: HB 28, HB 75, HB 102, HB 107, HB 126, HB 171.

**BUSINESS & LABOR** (Simon, Chairman): 1/31/95  
**HB 100**, introduced bill, be amended as follows:

1. Title, line 15.  
Following: "VIDEOCONFERENCE"  
Insert: ", WITH THE CONSENT OF BOTH PARTIES; PROVIDING THAT THE REDUCTION IN BENEFITS REQUIREMENT DOES NOT APPLY TO A PENSION COVERED BY SECTION 501(C)(9) OF THE INTERNAL REVENUE CODE;"

2. Title, line 18.  
Following: "DATES"  
Strike: "AND"  
Insert: ", "  
Following: "APPLICABILITY DATE"  
Insert: ", AND A CONTINGENT TERMINATION DATE"

3. Page 16, line 14.  
Following: line 13  
Insert: "(3) The reduction required by subsection (1) does not apply to a pension covered by section 501(c)(9) of the Internal Revenue Code."

4. Page 17, lines 1, 12, and 24.  
Following: "videoconference"  
Insert: ", with the consent of both parties"

5. Page 18, line 11.  
Following: "Effective dates. (1)"

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

Insert: "[Section 1] is effective January 1, 1996. (2)"

Following: "[Sections"

Strike: "1"

Insert: "2"

Following: "19"

Insert: ", 21,"

Renumber: subsequent subsection

6. Page 18, following line 13.

Insert: "NEW SECTION. Section 21. Contingent termination. If 26 U.S.C. 3304 is amended to no longer require that election judges receive unemployment insurance coverage, then [section 1 of this act] terminates on the date on which the U.S.C. amendment is effective."

And, as amended, do pass. Report adopted.

**HB 168**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "PREMIUMS"

Insert: "AND WEEKLY COMPENSATION BENEFITS"

Strike: "THE MINIMUM ANNUAL PREMIUM,"

2. Title, line 6.

Following: "HOURS,"

Strike: "AND THE NUMBER OF RUNS MADE IN THE PREVIOUS YEAR"

Insert: "RESPONSE TIME, AND TIME AT THE EMPLOYER'S PREMISES TIMES THE AVERAGE WEEKLY WAGE DIVIDED BY 40 HOURS; DEFINING VOLUNTEER HOURS"

Following: ";

Insert: "AMENDING SECTIONS 39-71-118 AND 39-71-123, MCA;"

3. Title, line 7.

Strike: "IMMEDIATE"

Strike: "AND AN APPLICABILITY DATE"

4. Page 1, lines 11 through 22.

Strike: everything after the enacting clause

Insert: "Section 5. Section 39-71-118, MCA, is amended to read:

"39-71-118. Employee, worker, and volunteer firefighter defined. (1) The term "employee" or "worker" means:

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for the corporations for pay. Casual employees as defined by 39-71-116 are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic service is excluded.

(b) any juvenile performing work under authorization of a district court judge in a delinquency prevention

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

or rehabilitation program;

(c) a person receiving on-the-job vocational rehabilitation training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. However, this subsection does not apply to students enrolled in vocational training programs as outlined in this subsection while they are on the premises of a public school or community college.

(d) students enrolled and in attendance in programs of vocational-technical education at designated vocational-technical centers;

(e) an aircrew member or other person employed as a volunteer under 67-2-105;

(f) a person, other than a juvenile as defined in subsection (1)(b), performing community service for a nonprofit organization or association or for a federal, state, or local government entity under a court order, or an order from a hearings officer as a result of a probation or parole violation, whether or not under appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. For a person covered by the definition in this subsection (f):

(i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an impairment award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39, chapter 3, part 4, for a full-time employee at the time of the injury; and

(ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon the minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service required under the order from the court or hearings officer.

(g) an inmate working in a federally certified prison industries program authorized under 53-1-301.

(2) The terms defined in subsection (1) do not include a person who is:

(a) participating in recreational activity and who at the time is relieved of and is not performing prescribed duties, regardless of whether the person is using, by discount or otherwise, a pass, ticket, permit, device, or other emolument of employment; or

(b) performing voluntary service at a recreational facility and who receives no compensation for those services other than meals, lodging, or the use of the recreational facilities.

(3)(a) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area.

(b) The term "volunteer hours" means all the time spent by a volunteer firefighter in the service of an employer, including but not limited to training time, response time, and time spent at the employer's premises.

(4) (a) If the employer is a partnership or sole proprietorship, the employer may elect to include as an employee within the provisions of this chapter any member of the partnership or the owner of the sole proprietorship devoting full time to the partnership or proprietorship business.

(b) In the event of an election, the employer must serve upon the employer's insurer written notice naming the partners or sole proprietor to be covered and stating the level of compensation coverage desired by electing the amount of wages to be reported, subject to the limitations in subsection (4)(d). A partner or sole proprietor is not considered an employee within this chapter until notice has been given.

(c) A change in elected wages must be in writing and is effective at the start of the next quarter following notification.

(d) All weekly compensation benefits must be based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection. For premium ratemaking and for the determination of weekly wage for weekly compensation benefits, the electing employer may elect not less than \$900 a month and not more than 1 1/2 times the average weekly wage as defined in this chapter.

(5)(a) The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may elect to include as an employee within the provisions of this chapter any volunteer firefighter. A volunteer firefighter who receives workers' compensation coverage under this section may not receive disability benefits under Title 19, chapter 17.

(b) In the event of an election, the employer shall report payroll for all volunteer firefighters for premium



HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

and weekly benefit purposes based on the number of volunteer hours of each firefighter times the average weekly wage divided by 40 hours, subject to a maximum of 1 1/2 times the average weekly wage.

(6) An employee or worker in this state whose services are furnished by a person, association, contractor, firm, or corporation, other than a temporary service contractor, to an employer as defined in 39-71-117 is presumed to be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-117(3).

(7) For purposes of this section, an "employee or worker in this state" means:

(a) a resident of Montana who is employed by an employer and whose employment duties are primarily carried out or controlled within this state;

(b) a nonresident of Montana whose principal employment duties are conducted within this state on a regular basis for an employer;

(c) a nonresident employee of an employer from another state engaged in the construction industry, as defined in 39-71-116, within this state; or

(d) a nonresident of Montana who does not meet the requirements of subsection (7)(b) and whose employer elects coverage with an insurer that allows an election for an employer whose:

(i) nonresident employees are hired in Montana;

(ii) nonresident employees' wages are paid in Montana;

(iii) nonresident employees are supervised in Montana; and

(iv) business records are maintained in Montana.

(8) An insurer may require coverage for all nonresident employees of a Montana employer who do not meet the requirements of subsection (7)(b) or (7)(d) as a condition of approving the election under subsection (7)(d)."

Section 6. Section 39-71-123, MCA, is amended to read:

"39-71-123. Wages defined. (1) "Wages" means the gross remuneration paid in money, or in a substitute for money, for services rendered by an employee, or income provided for in subsection (1)(d). Wages include but are not limited to:

(a) commissions, bonuses, and remuneration at the regular hourly rate for overtime work, holidays, vacations, and sickness periods;

(b) board, lodging, rent, or housing if it constitutes a part of the employee's remuneration and is based on its actual value;

(c) payments made to an employee on any basis other than time worked, including but not limited to piecework, an incentive plan, or profit-sharing arrangement; and

(d) income or payment in the form of a draw, wage, net profit, or substitute for money received or taken by a sole proprietor or partner, regardless of whether the sole proprietor or partner has performed work or provided services for that remuneration.

(2) Wages do not include:

(a) employee expense reimbursements or allowances for meals, lodging, travel, subsistence, and other expenses, as set forth in department rules;

(b) special rewards for individual invention or discovery;

(c) tips and other gratuities received by the employee in excess of those documented to the employer for tax purposes;

(d) contributions made by the employer to a group insurance or pension plan; or

(e) vacation or sick leave benefits accrued but not paid.

(3) For compensation benefit purposes, the average actual earnings for the four pay periods immediately preceding the injury are the employee's wages, except if:

(a) the term of employment for the same employer is less than four pay periods, in which case the employee's wages are the hourly rate times the number of hours in a week for which the employee was hired to work; or

(b) for good cause shown by the claimant, the use of the four pay periods does not accurately reflect the

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

claimant's employment history with the employer, in which case the insurer may use additional pay periods.

(4) (a) For the purpose of calculating compensation benefits for an employee working concurrent employments, the average actual wages must be calculated as provided in subsection (3).

(b) The compensation benefits for a covered volunteer must be based on the average actual wages in the volunteer's regular employment, except self-employment as a sole proprietor or partner who elected not to be covered, from which the volunteer is disabled by the injury incurred.

(c) The compensation benefits for an employee working at two or more concurrent remunerated employments must be based on the aggregate of average actual wages of all employments, except self-employment as a sole proprietor or partner who elected not to be covered, from which the employee is disabled by the injury incurred.

~~(5) The compensation benefits and the payroll, for premium purposes, for a volunteer firefighter covered pursuant to 39-71-118 must be based upon a wage of not less than \$900 a month and not more than 1 1/2 times the average weekly wage as defined in this chapter.~~

NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 1995."

And, as amended, do pass. Report adopted.

**HB 320**, introduced bill, do pass. Report adopted.

**HB 336**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "EXONERATED;"

Strike: remainder of line 7

2. Page 2, line 28.

Following: "defendant"

Strike: "is convicted"

Insert: "pleads guilty or is found guilty by a legally constituted jury or by a court of competent jurisdiction authorized to try the case"

3. Page 3, line 12.

Following: "appear"

Insert: "or produce the defendant"

Following: "judge"

Strike: "may"

Insert: "shall"

4. Page 3, line 13.

Strike: "upon terms as may be just"

Insert: "and return the surety bond to the sureties with no monetary penalty"

5. Page 3, line 15.

Strike: "upon terms as may be just"

Insert: "and return the surety bond to the surety with no monetary penalty"

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

6. Page 3.

Strike: lines 19 and 20 in their entirety

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/31/95

**HB 135**, introduced bill, be amended as follows:

1. Page 2, line 20.

Strike: "an"

Insert: "a line item or other specific"

And, as amended, do pass. Report adopted.

**HB 177**, introduced bill, be amended as follows:

1. Page 2, line 15.

Strike: "intention to"

And, as amended, do pass. Report adopted.

**HB 232**, introduced bill, do pass. Report adopted.

**SB 29**, be amended as follows:

1. Page 16, line 6.

Following: "issued"

Insert: "for the same obligation"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/1/95

**HB 91**, introduced by M. Hanson

House bills concurred in and returned to the House: 2/1/95

**HB 139**, introduced by R. Johnson

**HB 104**, introduced by Kadas

Senate bills passed and transmitted to the House for concurrence:

2/1/95

**SB 95**, introduced by Bishop

**SB 96**, introduced by Foster

**SB 174**, introduced by Jacobson

**SB 192**, introduced by Van Valkenburg



HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

**SB 203**, introduced by Grosfield

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 390**, introduced by Kadas, referred to Committee on Appropriations.  
**HB 391**, introduced by DeBruycker, referred to Committee on Fish & Game.  
**HB 392**, introduced by Ryan, referred to Committee on State Administration.  
**HB 393**, introduced by Grady, referred to Committee on Local Government.  
**HB 394**, introduced by Bohlinger, referred to Committee on Education & Cultural Resources.  
**HB 395**, introduced by Raney, referred to Committee on Agriculture, Livestock & Irrigation.  
**HB 396**, introduced by Grinde, referred to Committee on Highways & Transportation.  
**HB 397**, introduced by Squires, referred to Committee on Local Government.  
**HB 398**, introduced by Squires, referred to Committee on Local Government.  
**HB 399**, introduced by Hurdle, referred to Committee on State Administration.  
**HB 400**, introduced by Ryan, referred to Committee on Appropriations.  
**HB 401**, introduced by Anderson, referred to Committee on Business & Labor.  
**HB 402**, introduced by Nelson, referred to Committee on Judiciary.  
**HB 403**, introduced by Grimes, referred to Committee on Natural Resources.  
**HB 404**, introduced by McCulloch, referred to Committee on State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 95**, introduced by Bishop, referred to Committee on Business & Labor.  
**SB 96**, introduced by Foster, referred to Committee on Highways & Transportation.  
**SB 174**, introduced by Jacobson, referred to Committee on Judiciary.  
**SB 192**, introduced by Van Valkenburg, referred to Committee on Local Government.  
**SB 203**, introduced by Grosfield, referred to Committee on Natural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Nelson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 203** - Representative McKee moved HB 203, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 24 and 25.

Following: "luxury motor" on line 24

Strike: "carrier, including sedans of either standard or"

Insert: "sedan of"

Strike: ", with a seating capacity of not more than nine passengers, including the driver," on line 25

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

2. Page 3, line 1.

Following: "convenience"

Strike: "does not include"

Insert: "includes only"

Following: "of"

Strike: "public need"

Insert: "the applicant's fitness"

Amendment #1 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Anderson, Arnott, Boharski, Brainard, Cobb, Curtiss, Feland, Fuchs, Galvin, Kottel, Orr, Rehbein, S. Smith.

Total 13

Excused: Ellis.

Total 1

Absent or not voting: Simon, Sliter.

Total 2

Representative Ellis present at this time.

Representative McKee moved HB 203, as amended, do pass. Motion failed as follows:

Ayes: Barnett, Boharski, Bohlinger, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Elliott, Ellis, Ewer, Fisher, Harrington, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Knox, Marshall, McCann, McCulloch, McGee, McKee, Mills, Molnar, Ohs, Pavlovich, Peck, Ream, Ryan, Schwinden, Sliter, L. Smith, Soft, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Vick, Wagner, Wennemar.

Total 45

Noes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Brainard, Clark, Cobb, Devaney, Ellingson, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Holland, Kasten, Kitzenberg, Kottel, Larson, Martinez, Masolo, Menahan, Murdock, Nelson, Orr, Quilici, Raney, Rehbein, Rose, Shea, Simon, Simpkins, S. Smith, Somerville, Story, Tash, Taylor, Wells, Wiseman, Wyatt, Zook.

Total 52

Excused: None.

Total 0

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

Absent or not voting: Barnhart, Keenan, Mr. Speaker.  
Total 3

**HB 252** - Representative Squires moved consideration of HB 252 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 158** - Representative Fuchs moved consideration of HB 158 be passed for the day. Motion carried.

Representative Ellis excused at this time.

**HB 250** - Representative McCulloch moved HB 250, second reading copy, be amended (amendment #1).

Representative McCulloch moved consideration of HB 250 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 283** - Representative Tropila moved HB 283 do pass. Motion failed as follows:

Ayes: Ahner, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellis, Galvin, Green, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hurdle, J. Johnson, R. Johnson, Kasten, Kottel, Marshall, McCann, McKee, Menahan, Ohs, Pavlovich, Quilici, Rehbein, Ryan, Schwinden, Shea, L. Smith, Somerville, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wennemar, Wyatt.  
Total 45

Noes: Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Curtiss, DeBruycker, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Grimes, Grinde, M. Hanson, Hibbard, Holland, Jore, Kadas, Keenan, Kitzenberg, Knox, Larson, Martinez, Masolo, McCulloch, McGee, Mills, Molnar, Murdock, Nelson, Orr, Peck, Raney, Ream, Rose, Simon, Simpkins, Sliter, S. Smith, Soft, Story, Stovall, Tash, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 54

Voted Absentee: Ellis, Aye.

Excused: None.  
Total 0

Absent or not voting: Squires.  
Total 1

**HB 284** - Representative Tropila moved HB 284 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner,



HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Brainard, Grimes, Grinde, M. Hanson, Keenan, Stovall.

Total 7

Voted Absentee: Ellis, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 300** - Representative Masolo moved HB 300 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Anderson, Bergsagel, Boharski, Cobb, DeBruycker, Devaney, Elliott, Fisher, Green, Grinde, Hagener, Jore, Kasten, Keenan, Larson, Orr, Rehbein, Schwinden, Vick, Wagner.

Total 20

Voted Absentee: Ellis, Aye.

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**HB 252** - Representative Squires moved HB 252, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 18 and 19.

Following: "endorsement."

Strike: "The" on line 18 through "board." on line 19

2. Page 1, line 20.

Following: "be"

Insert: "established by rule and must be"

Amendment #1 passed as follows:

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Anderson, Bergsagel, Boharski, Kasten, Keenan, Rehbein, S. Smith, Vick.

Total 8

Excused: Ellis.

Total 1

Absent or not voting: Grimes, Pavlovich.

Total 2

Representative Squires moved HB 252, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Anderson, Arnott, Bergsagel, Boharski, Devaney, Fisher, Green, Grimes, H.S. Hanson, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Molnar, Rehbein, Sliter, S. Smith, Soft, Story, Trexler, Vick.

Total 23

Voted Absentee: Ellis, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 250** - Representative McCulloch moved HB 250, second reading copy, be amended (amendment #1).

Amendment #1 failed as follows:

Ayes: Barnhart, Bergsagel, Boharski, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Knox, Kottel, Larson, McCann,

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

McCulloch, Menahan, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simpkins, S. Smith, Soft, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 43

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Rehbein, Rose, Simon, Sliter, L. Smith, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 56

Excused: Ellis.

Total 1

Absent or not voting: None.

Total 0

Representative McCulloch moved HB 250 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Clark, Curtiss, Feland, Grinde, Hayne, Herron, Jore, Rehbein, Wagner.

Total 9

Voted Absentee: Ellis, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Nelson moved that the Committee of the Whole report be adopted. Report adopted. (90-6)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:



HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

**HB 200** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Excused: Ellis.

Total 1

Absent or not voting: Bergman.

Total 1

**HB 136** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Cobb, Peck.

Total 2

Excused: Ellis.

Total 1

Absent or not voting: None.

Total 0

**HB 239** failed as follows:

Ayes: Arnott, Bergsagel, Cobb, Cocchiarella, Devaney, Ellingson, Ewer, Fisher, Forbes, Galvin, Grimes, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, R. Johnson, Jore, Keenan, Knox, Kottel, Marshall, McCann, McKee, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Shea, Simon, Sliter, Soft, Somerville, Squires,

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

Tash, Tuss, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 43

Noes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Elliott, Feland, Fuchs, Grady, Green, Grinde, Hagener, M. Hanson, Hayne, Herron, Holland, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Larson, Martinez, Masolo, McCulloch, McGee, Menahan, Molnar, Orr, Ream, Rehbein, Rose, Ryan, Schwinden, Simpkins, L. Smith, S. Smith, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar.  
Total 55

Excused: Ellis.  
Total 1

Absent or not voting: Mills.  
Total 1

**HB 167** passed as follows:

Ayes: Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 73

Noes: Ahner, Anderson, Barnett, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Green, M. Hanson, Hayne, Jore, Kasten, Keenan, Orr, Rehbein, Simpkins, Sliter, S. Smith, Taylor, Vick, Wagner, Wells.  
Total 25

Excused: Ellis.  
Total 1

Absent or not voting: Arnott.  
Total 1

**HB 104** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

Noes: Boharski, Brainard, Denny, Green, Jore.  
Total 5

Excused: Ellis.  
Total 1

Absent or not voting: None.  
Total 0

**SB 46** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Boharski, DeBruycker, Feland, Grimes, Herron, Jore, Kasten, Keenan, S. Smith, Vick.  
Total 10

Excused: Ellis.  
Total 1

Absent or not voting: None.  
Total 0

**SB 71** concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Arnott, DeBruycker.  
Total 2

Excused: Ellis.  
Total 1



HOUSE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 1, 1995

Absent or not voting: Quilici, Tuss.  
Total 2

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

2/1/95

Correctly enrolled: HB 139, HB 140.

Examined by the sponsor and found to be correct:

HB 139 - R. Johnson.

HB 104 - Kadas

Signed by the Speaker at 2:00 p.m., 2/1/95: HB 139, HB 140.

**MOTIONS**

**HB 366** - Representative Kasten moved HB 366 be taken from the Committee on Human Services & Aging and rereferred to the Committee on Judiciary. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 317: Representative Kottel.

The following sponsors were added to HB 323: Representative McCulloch, Representative Squires.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, February 2, 1995. Motion carried.

House adjourned at 2:45 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 2, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Jack R. Herron. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ahner, Hayne, Kottel, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

2/2/95

Correctly printed for second reading: HB 294, HB 291, HB 288, HB 234, HB 273, HB 372, HB 326, HB 321, HB 331, HB 337, HB 263, HB 274, HB 292, HJR 10.

Correctly engrossed for third reading: HB 250, HB 252, HB 284, HB 300.

Correctly enrolled: HB 30, HB 43.

Examined by the sponsor and found to be correct: HB 30, HB 43.

Delivered to the Governor for his approval at 9:10 a.m., 2/2/95: HB 139, HB 140.

**BUSINESS & LABOR** (Simon, Chairman):

2/1/95

**HB 234**, introduced bill, be amended as follows:

1. Title, line 5.

Following: first ";"

Insert: "PROVIDING A DUTY TO INFORM;"

2. Page 2, line 18.

Following: "than"

Strike: "\$25,000"

Insert: "\$75,000"

3. Page 2, line 22.

Strike: "or"

4. Page 2, line 23.

Strike: "."

Insert: ";

5. Page 2, following line 23.

Insert: "(f) any case in which the party to be charged or the party's agent has failed to inform the person seeking to maintain the action or defense as required in [section 3]."

6. Page 2, line 26.

Insert: "NEW SECTION. Section 3. Duty to inform. In a transaction involving a loan or credit agreement, the person providing the loan or credit shall inform the borrower orally and in writing prior to obtaining the borrower's signature on an agreement that all previous oral representations are void."

7. Page 2, line 27.

Strike: "[Section 2] is"

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

Insert: "[Sections 2 and 3] are"

8. Page 2, line 29.

Strike: "[section 2]"

Insert: "[sections 2 and 3]"

And, as amended, do pass. Report adopted.

**HB 326**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "AN ACT"

Strike: "ALLOWING"

Insert: "PROVIDING THE RIGHT OF AN EMPLOYEE OF A PRIVATE OR PUBLIC EMPLOYMENT AGENCY OR LABOR UNION, A BUILDING CODE COMPLIANCE INSPECTOR, A PERSON WHO IS PROFESSIONALLY RESPONSIBLE FOR A JOB SITE, OR"

2. Title, lines 6 and 7.

Following: "ALLOWING" on line 6

Strike: "THE LICENSED ELECTRICIAN OR LICENSED PLUMBER TO REPORT"

Following: "LICENSE" on line 7

Insert: "TO BE REPORTED"

3. Page 1, lines 12 through 15.

Following: "An" on line 12

Insert: "employee of a private or public employment agency or labor union, a building code compliance inspector, a person who is professionally responsible for a job site, or an"

Following: "ask" on line 13

Strike: "any other"

Insert: "a"

Following: "If the" on line 14

Strike: "other"

Following: "person"

Insert: "performing the work"

Following: "licensure, the"

Strike: "licensed electrician"

Insert: "requesting person" on line 15

4. Page 1, lines 17 through 19.

Following: "Proof of license." on line 17

Strike: "A"

Insert: "An employee of a private or public employment agency or labor union, a building code compliance inspector, a person who is professionally responsible for a job site, or a"

Following: "ask" on line 18

Strike: "any other"

Insert: "a"

Following: "If the" on line 19

Strike: "other"



HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

Following: "person"  
Insert: "performing the work"  
Following: "licensure, the"  
Strike: "licensed plumber"  
Insert: "requesting person"

And, as amended, do pass. Report adopted.

**HB 372**, introduced bill, do pass. Report adopted.

FISH & GAME (Wagner, Chairman):

2/1/95

**HB 288**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "SHEEP"  
Insert: "USING AN UNLIMITED MOUNTAIN SHEEP LICENSE"

2. Page 1, line 24.  
Following: "sheep"  
Insert: "using an unlimited mountain sheep license"

3. Page 1, line 26.  
Following: "year."  
Insert: "For the purposes of this subsection (b), "unlimited mountain sheep license" means a license that is valid for an area in which the number of licenses issued is not restricted."

And, as amended, do pass. Report adopted.

**HB 291**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "ELK"  
Insert: ", ANTELOPE, MOOSE,"

2. Page 1, line 25.  
Following: "elk"  
Insert: ", antelope, moose,"

And, as amended, do pass. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman):

2/1/95

**HB 294**, introduced bill, be amended as follows:

1. Page 1, line 11.  
Strike: "\$100"  
Insert: "\$50"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

**SB 53**, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/2/95

**HB 263**, introduced bill, be amended as follows:

1. Page 1, lines 15 and 16.

Following: "in" on line 15

Strike: "sections" through "of" on line 16

And, as amended, do pass. Report adopted.

**HB 274**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "EXEMPTING"

Insert: "CERTAIN"

2. Title, line 8.

Following: "FROM"

Strike: "CERTAIN" through "OF"

3. Page 1, line 15.

Following: "~~such~~"

Insert: "any"

4. Page 1, line 22.

Following: "of"

Strike: "a" through "opportunity"

Insert: "access granted by permission of an adjoining landowner"

5. Page 1, line 26.

Following: "(b)"

Insert: "(i)"

6. Page 1, lines 26 and 27.

Following: "of" on line 26

Strike: "a" through "opportunity" on line 27

Insert: "access granted by permission of an adjoining landowner"

7. Page 1, line 30.

Following: line 29

Insert: "(ii) The provisions of subsection (3)(b)(i) do not apply to situations when the only access is totally controlled by a potential purchaser of the timber, in which case the department shall seek to negotiate permanent, reciprocal access."

8. Page 1, line 30.

Following: second "in"

Strike: "this subsection (3)"

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

Insert: "subsections (3)(a) and (3)(b)(i)"

9. Page 2, line 1.

Following: "75-1-201(1)"

Insert: "to the extent that compliance is precluded by limited time available to take advantage of the sales opportunities described by this subsection (3)"

And, as amended, do pass. Report adopted.

**HB 292**, introduced bill, do pass. Report adopted.

**HJR 10**, introduced bill, be amended as follows:

1. Page 1, line 28.

Following: "met;"

Strike: "and"

2. Page 1, line 30.

Following: "program"

Insert: "; and

(d) other states' natural resource and environmental agencies' attempts to improve and measure compliance and enforcement"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/1/95

**HB 273**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "AN"

Insert: "A DELAYED"

2. Page 1, line 22.

Strike: "1997"

Insert: "1998"

And, as amended, do pass. Report adopted.

**HB 321**, introduced bill, do pass. Report adopted.

**HB 331**, introduced bill, do pass. Report adopted.

**HB 337**, introduced bill, do pass. Report adopted.

**SB 4**, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

1/31/95

**SB 35**, be concurred in. Report adopted.



HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

**MESSAGES FROM THE SENATE**

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/2/95

**HB 54**, introduced by Nelson

House bills concurred in and returned to the House: 2/2/95

**HB 30**, introduced by Harper

**HB 43**, introduced by Tash

House amendments to Senate bill concurred in: 2/2/95

**SB 109**, introduced by Grosfield, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 2/1/95 to the House with the following vote:

YEAS - 32

NAYS - 18

Senate bills passed and transmitted to the House for concurrence:

2/2/95

**SB 27**, introduced by Grosfield

**SB 75**, introduced by Doherty

**SB 152**, introduced by Keating

**SB 220**, introduced by Bartlett

**SB 229**, introduced by Hargrove

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 2, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 126 sponsored by Representative Harper on February 2, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

**HB 405**, introduced by Nelson, referred to Committee on Select Health Care.  
**HB 406**, introduced by Cobb, referred to Committee on Human Services & Aging.  
**HB 407**, introduced by Cobb, referred to Committee on Human Services & Aging.  
**HB 408**, introduced by Sliter, referred to Committee on Business & Labor.  
**HB 409**, introduced by Barnett, referred to Committee on Business & Labor.  
**HB 410**, introduced by Pavlovich, referred to Committee on State Administration.  
**HB 411**, introduced by Orr, referred to Committee on Natural Resources.  
**HB 412**, introduced by Orr, referred to Committee on Natural Resources.  
**HB 413**, introduced by Stovall, referred to Committee on Taxation.  
**HB 414**, introduced by Harper, referred to Committee on Business & Labor.  
**HB 415**, introduced by Forbes, referred to Committee on Education & Cultural Resources.  
**HJR 16**, introduced by Cobb, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 27**, introduced by Grosfield, referred to Committee on Appropriations.  
**SB 75**, introduced by Doherty, referred to Committee on Taxation.  
**SB 152**, introduced by Keating, referred to Committee on Taxation.  
**SB 220**, introduced by Bartlett, referred to Committee on State Administration.  
**SB 229**, introduced by Hargrove, referred to Committee on Judiciary.  
**SB 109**, introduced by Grosfield, referred to Committee on Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Forbes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 264** - Representative Ellis moved HB 264, second reading copy, be amended as follows (amendment #1):

1. Title, line 6.

Following: "PRACTICE;"

Insert: "PROVIDING AN EXEMPTION FOR FIREFIGHTERS IN CITIES OF THE FIRST AND SECOND CLASS;"

2. Page 1, line 28.

Following: "representative."

Strike: "Nothing"

Insert: "Except as provided in 7-33-4128, nothing"

Amendment #1 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Larson, Marshall, Martinez, McCann, McCulloch,

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Arnott, Bergman, Bergsagel, Boharski, Carey, Cobb, DeBruycker, Denny, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Hurdle, Kadas, Kitzenberg, Kottel, Masolo, Ream, Rehbein, Schwinden, Somerville, Story, Tuss, Vick, Wennemar, Wyatt.

Total 28

Voted Absentee: Kottel, No.

Excused: Ahner, Hayne.

Total 2

Absent or not voting: Heavy Runner, Tash.

Total 2

Representative Ellis moved HB 264, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, McGee, McKee, Mills, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Arnott, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, Menahan, Molnar, Murdock, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, L. Smith, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 47

Voted Absentee: Hayne, Aye; Kottel, No.

Excused: Ahner.

Total 1

Absent or not voting: None.

Total 0

Representative Cobb excused at this time.

**HB 158** - Representative Ryan moved HB 158, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 18 and 19.

Strike: Lines 18 and 19 in their entirety

Insert: "(2) Employers and employees shall follow safety practices commonly recognized in the construction



HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

industry as well as applicable state and federal occupational safety laws."

Amendment #1 passed as follows:

Ayes: Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Anderson, Jore, Rehbein.

Total 3

Excused: Ahner, Cobb, Hayne, Kottel.

Total 4

Absent or not voting: Kitzenberg.

Total 1

Representative Fuchs moved HB 158, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Ellingson, Heavy Runner, Kottel, Tuss, Wennemar.

Total 5

Voted Absentee: Ahner, Hayne, Ayes; Kottel, No.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 306** - Representative Grinde moved consideration of HB 306 be passed for the day. Motion carried.

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

**HB 312** - Representative Brainard moved HB 312 do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Mills, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Anderson, Arnott, Barnett, Bergsagel, Boharski, DeBruycker, Feland, Fisher, M. Hanson, Herron, Holland, Kottel, Martinez, Molnar, Murdock, Nelson, Ohs, Rehbein, Rose, L. Smith, S. Smith, Story, Stovall, Wagner.

Total 24

Voted Absentee: Ahner, Hayne, Ayes; Kottel, No.

Excused: Cobb.

Total 1

Absent or not voting: Menahan.

Total 1

**HB 316** - Representative Harrington moved HB 316 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Boharski, Feland, Grimes, Jore, Kasten, Keenan, McGee, S. Smith.

Total 9

Voted Absentee: Ahner, Kottel, Ayes.

Excused: Cobb, Hayne.

Total 2

Absent or not voting: Arnott, Kitzenberg, Menahan, Sliter.

Total 4

Representative Ahner present at this time.

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

**HB 319** - Representative Tropila moved HB 319 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Curtiss, Fisher, Grinde, M. Hanson, R. Johnson, Keenan, Murdock, Nelson, Orr, Wagner.

Total 11

Voted Absentee: Hayne, Kottel, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 324** - Representative Simpkins moved HB 324 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Kasten, McCann.

Total 3

Voted Absentee: Hayne, Kottel, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: Clark, Herron, Orr.

Total 3



HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

**HJR 13** - Representative Hagener moved HJR 13 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Bergman, Boharski, Brainard, Denny, Grady, Green, Grimes, Jore, Kasten, Keenan, Knox, Molnar, Rehbein, Simon, S. Smith, Story, Tash, Vick.

Total 18

Voted Absentee: Hayne, Kottel, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: Simpkins.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Forbes moved that the Committee of the Whole report be adopted. Report adopted. (77-15)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 250** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Brainard, Clark, Curtiss, Feland, Grinde, Jore, Rehbein, Wagner.

Total 8

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

Excused: Cobb, Hayne, Kottel.  
Total 3

Absent or not voting: None.  
Total 0

**HB 284** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Boharski, Brainard, Grinde, Nelson.  
Total 4

Excused: Cobb, Hayne, Kottel.  
Total 3

Absent or not voting: Ellingson, Masolo, Trexler.  
Total 3

**HB 300** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 75

Noes: Anderson, Bergsagel, Boharski, DeBruycker, Devaney, Elliott, Fisher, Green, Grinde, Hagener, Herron, Jore, Kasten, Keenan, Larson, McCulloch, Orr, Rehbein, Schwinden, Vick, Wagner.  
Total 21

Excused: Cobb, Hayne, Kottel.  
Total 3

Absent or not voting: S. Smith.  
Total 1

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

**HB 147** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: DeBruycker, Feland, Heavy Runner, Kadas, Molnar, Ryan, Schwinden.

Total 7

Excused: Cobb, Hayne, Kottel.

Total 3

Absent or not voting: Marshall.

Total 1

**HB 333** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Cobb, Hayne, Kottel.

Total 3

Absent or not voting: None.

Total 0

**HB 334** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg,



HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 2, 1995

Knox, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 95

Noes: Martinez.  
Total 1

Excused: Cobb, Hayne, Kottel.  
Total 3

Absent or not voting: Wyatt.  
Total 1

**MOTIONS**

**HB 264** - Representative Masolo moved she be allowed to change her vote on HB 264, second reading, from aye to nay. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, February 3, 1995. Motion carried.

House adjourned at 2:45 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL**  
**TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 3, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by the Helena Home School Choir. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Fisher, H. Hanson, Keenan, Peck, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Joleen Briden, Dupuyer  
Jessica Phillips, Bozeman  
Lacey Martin, Kalispell  
Kristy Eppers, Roundup  
Tony Haney, Columbia Falls  
Jennifer Marshall, Bigfork  
Eric Dowell, Kalispell  
Cory Rich, Kalispell  
John Reeves, Great Falls (permanent page)  
Biz Doney, (permanent page)

Honorary Pages

Kayje Booker, Helena  
Shaleesha Thompson  
Mike Corr, Missoula

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-sixth and twenty-seventh legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

2/3/95

Correctly printed for second reading: HB 179, HB 235, HB 329, HB 360, HB 379, HB 325.

Correctly engrossed for third reading: HB 158, HB 264, HB 312, HB 316, HB 319, HB 324, HJR 13.

Correctly enrolled: HB 36, HB 49, HB 51, HB 67, HB 76, HB 20, HB 44, HJR 3.

Examined by the sponsor and found to be correct: HB 20, HB 36, HB 44, HB 49, HB 51, HB 67, HB 76, HJR 3.

**AGRICULTURE, LIVESTOCK & IRRIGATION (Barnett, Chairman):**

2/1/95

**HB 235**, introduced bill, do pass. Report adopted.

**SB 106**, be concurred in. Report adopted.

**SB 108**, be concurred in. Report adopted.



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman):  
**HB 329**, introduced bill, be amended as follows:

2/2/95

1. Title, line 5.  
Following: "COLLEGE"  
Insert: "OR A STATE-FUNDED, 2-YEAR POSTSECONDARY INSTITUTION"

2. Page 1, line 15.  
Following: "Montana"  
Insert: "or a state-funded, 2-year postsecondary institution"

3. Page 1, line 23.  
Following: "junior at"  
Strike: "an"  
Insert: "a 4-year"

4. Page 1, line 24.  
Strike: "tribally controlled community college"  
Insert: "2-year postsecondary institution"

And, as amended, do pass. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman):  
**SB 34**, be concurred in. Report adopted.

2/2/95

**SB 47**, be concurred in. Report adopted.

**SB 68**, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):  
**HB 179**, introduced bill, be amended as follows:

2/1/95

1. Title, line 6.  
Strike: "WITHOUT OBJECTION FROM THE CHARGED PERSON"  
Insert: "UNDER CERTAIN CIRCUMSTANCES"

2. Page 1, line 16.  
Following: "may,"  
Insert: "at the discretion of the county attorney for the county in which the person was arrested and"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):  
**HB 325**, introduced bill, be amended as follows:

2/3/95

1. Title, line 19.  
Following: "ACCOUNT;"  
Insert: "PROVIDING FOR THE DIRECT TRANSFER OF MEMBERS' CONTRIBUTIONS BETWEEN PUBLIC

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

RETIREMENT SYSTEMS;"

2. Title, line 20.

Following: "19-2-406,"

Insert: "19-2-704,"

Following: "19-3-403,"

Insert: "19-3-509, 19-3-511,"

3. Title, line 21.

Following: line 20

Insert: "19-6-802,"

Following: "19-7-612,"

Insert: "19-7-802,"

Following: "19-8-712,"

Insert: "19-8-902, 19-9-405,"

Strike: "AND"

Insert: "19-13-404,"

Following: "19-13-804,"

Insert: "AND 19-20-409,"

4. Page 9, line 14.

Following: line 13

Insert:

"Section 8. Section 19-2-704, MCA, is amended to read:

"19-2-704. Purchasing service credits allowed. (1) Subject to the rules promulgated by the board, an eligible member may elect to contribute amounts in addition to the mandatory employee contributions required by the retirement system in which the member participates for the purpose of purchasing service credits as provided by the statutes governing the retirement system.

(2) A member eligible to qualify service under the provisions of 19-3-509, 19-3-511, 19-6-802, 19-7-802, 19-8-902, 19-9-405, and 19-13-404 may, at any time prior to retirement, elect to transfer all or a portion of the member's accumulated contributions on deposit in a pension trust fund from which service is being transferred to the pension trust fund of another plan in which service is being credited. The transfer of contributions may include both taxed contributions and tax-deferred contributions and interest. However, if less than all of the accumulated contributions on deposit in a pension trust fund is being transferred, the transfer of taxed and tax-deferred amounts must be made on a proportionate basis, with the remainder refunded to the member. The transferring agency shall identify at the time of the transfer the taxed and tax-deferred amounts being transferred."

Renumber: subsequent sections

5. Page 10, line 18.

Following: line 17

Insert:

"Section 10. Section 19-3-509, "MCA, is amended to read:

"19-3-509. Qualification of other Montana public service. (1) (a) A member may, at any time before retirement, make a written election with the board to qualify as service in this retirement system all or any portion of the member's service credit in the highway patrol officers', sheriffs', game wardens', firefighters' unified, or municipal police officers' retirement system for which the member either has received or is eligible to receive a refund of membership contributions. To qualify this service, the member shall contribute to the pension trust fund the actuarial cost of granting the service in the public employees' retirement system, as determined by the board,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

based on the most recent actuarial valuation minus the employer contribution provided in subsection (1)(b). This service may not be credited in more than one retirement system under Title 19.

(b) Upon receiving the member's payment under subsection (1)(a), the division shall transfer from the member's former retirement system to the public employees' retirement system an amount equal to the employer contributions made during the member's service but no more than an amount equal to the normal cost contribution rate minus the employee contribution rate in the public employees' retirement system, according to the most recent actuarial valuation, based on the salaries earned by the employee as a member of the former system.

(2) (a) A member may, at any time before retirement, make a written election with the board to qualify any full-time public service employment performed for the state or a political subdivision of the state. The member shall provide salary and employment documentation certified by the member's former public employer. The board may grant service credit upon contribution by the employee of the actuarial cost of granting this service in the public employees' retirement system, as determined by the board, based on the most recent actuarial valuation of the system.

(b) The board is the sole authority under this subsection (2) in determining what constitutes full-time public service.

(c) This service may not be credited in more than one retirement system under Title 19."

Section 11. Section 19-3-511, MCA, is amended to read:

"19-3-511. Transfer of service credits and contributions from teachers' retirement system. (1) ~~A~~ An active member may at any time before retirement make a written election with the board to qualify in the public employees' retirement system all of the member's service in the teachers' retirement system for which the member either has received or is eligible to receive a refund. The amount that must be paid or transferred to the retirement system to qualify this service under this section is the sum of subsections (2) and (3).

(2) ~~The~~ In addition to the amounts directly paid or transferred by the member under subsection (3), the teachers' retirement system shall transfer to the public employees' retirement system an amount equal to 72% of the amount ~~determined in accordance with subsection (3) payable by the member~~.

(3) The ~~employee~~ member shall pay either directly or by transferring contributions on account with the teachers' retirement system an amount equal to the ~~employee's~~ member's accumulated contributions at the time ~~the employee terminated that~~ active membership was terminated with the teachers' retirement system, ~~as defined in 19-20-302~~, plus accrued interest. Interest must be calculated from the date of termination until payment is received by the public employees' retirement system, based on the interest tables in use by the teachers' retirement system.

(4) The amount of service credit granted in subsection (1) must be on a month-by-month basis. Military service credit transferred from the teachers' retirement system must be included in the 5-year maximum military service credit provided for in 19-3-503.

(5) Subject to the provisions of 19-2-403, the board is the sole authority in determining the amount of service credit qualified under this section and the amount paid to the retirement system under subsections (2) and (3).

(6) If ~~a~~ an active member who also has service credit in the teachers' retirement system dies before the member qualifies this service in the public employees' retirement system and if the service credits from both systems, when combined, entitle the member's designated beneficiary to a survivorship benefit, the payment of the survivorship benefit is the liability of the public employees' retirement system. Before payment of the survivorship benefit, the teachers' retirement board shall transfer to the public employees' retirement system the contributions necessary to qualify this service in the public employees' retirement system as provided in subsections (2) and (3)."

Renumber: subsequent sections

6. Page 13, line 5.

Following: line 4

Insert:



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

"Section 16. Section 19-6-802, MCA, is amended to read:

"19-6-802. Qualification of other Montana public service. (1) (a) A member may, at any time before retirement, make a written election with the board to qualify all or any portion of the member's service in the public employees', sheriffs', game wardens', firefighters' unified, or municipal police officers' retirement system for which the member either has received or is eligible to receive a refund of the member's membership contributions. To qualify this service, the member shall contribute to the pension trust fund the actuarial cost of granting the service credit in the highway patrol officers' retirement system, as determined by the board, based on the most recent actuarial valuation minus the employer contribution provided in subsection (1)(b). This service may not be credited in more than one retirement system under Title 19.

(b) Upon receiving the member's payment under subsection (1)(a), the division shall transfer from the member's former retirement system to the highway patrol officers' retirement system an amount equal to the employer contributions made during the member's service but no more than an amount equal to the normal contribution rate minus the employee contribution rate in the highway patrol officers' retirement system, according to the most recent actuarial valuation.

(2) (a) A member may, at any time before retirement, make a written election with the board to qualify any full-time public service employment performed for the state or a political subdivision of the state. The member shall provide compensation and employment documentation certified by the member's public employer. The board shall grant service credit subject to rules adopted by the board upon contribution by the employee of the actuarial cost of granting this service in the highway patrol officers' retirement system, as determined by the board, based on the most recent actuarial valuation of the system.

(b) The board is the sole authority under this subsection (2) in determining what constitutes full-time public service.

(c) This employment may not be credited in more than one retirement system under Title 19."

Renumber: subsequent sections

7. Page 14, line 15.

Following: line 14

Insert:

"Section 19. Section 19-7-802, MCA, is amended to read:

"19-7-802. Qualification of other Montana public service. (1) (a) A member may, at any time before retirement, make a written election with the board to qualify all or any portion of the member's service in the public employees', highway patrol officers', firefighters' unified, game wardens', or municipal police officers' retirement system for which the member either has received or is eligible to receive a refund of the member's membership contributions. To qualify this service, the member shall contribute to the pension trust fund the actuarial cost of granting the service in the sheriffs' retirement system, as determined by the board, based on the most recent actuarial valuation minus the employer contribution provided in subsection (1)(b). This service may not be credited in more than one retirement system under Title 19.

(b) Upon receiving the member's payment under subsection (1)(a), the division shall transfer from the member's former retirement system to the sheriffs' retirement system an amount equal to the employer contributions made during the member's service but no more than an amount equal to the normal contribution rate minus the employee contribution rate in the sheriffs' retirement system, according to the most recent actuarial valuation, based on the compensation earned by the employee as a member of the former system.

(2) (a) A member may, at any time before retirement, make a written election with the board to qualify any full-time public service employment performed for the state or a political subdivision of the state. The member shall provide compensation and employment documentation certified by the member's public employer. The board shall grant service credit upon contribution by the employee of the actuarial cost of granting this service in the sheriffs' retirement system, as determined by the board, based on the most recent actuarial valuation of the system.

(b) The board is the sole authority under this subsection (2) in determining what constitutes full-time public

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

service.

(c) This service may not be credited in more than one retirement system under Title 19."

Renumber: subsequent sections

8. Page 15, line 11.

Following: line 10

Insert:

"Section 21. Section 19-8-902, MCA, is amended to read:

"19-8-902. Qualification of other Montana public service. (1) (a) A member may, at any time before retirement, make a written election with the board to qualify all or any portion of the member's service credit in the public employees', highway patrol officers', firefighters' unified, sheriffs', or municipal police officers' retirement system for which the member either has received or is eligible to receive a refund of the member's accumulated contributions. To qualify this service, the member shall contribute to the pension trust fund the actuarial cost of granting the service in the game wardens' retirement system, as determined by the board, based on the most recent actuarial valuation of the system minus the employer contribution provided in subsection (1)(b). This service may not be credited in more than one retirement system under Title 19.

(b) Upon receiving the member's payment under subsection (1)(a), the division shall transfer from the member's former retirement system to the game wardens' retirement system an amount equal to the employer contributions made during the member's service but no more than an amount equal to the normal contribution rate minus the employee contribution rate in the game wardens' retirement system, according to the most recent actuarial valuation, based on the salaries earned by the employee as a member of the former system.

(2) (a) A member may, at any time before retirement, make a written election with the board to qualify any full-time public service employment performed for the state or a political subdivision of the state. The member shall provide salary and employment documentation certified by the member's public employer. The board shall grant service credit subject to rules adopted by the board upon contribution by the employee of the actuarial cost of granting this service in the game wardens' retirement system, as determined by the board, based on the most recent actuarial valuation of the system.

(b) The board is the sole authority under this subsection (2) in determining what constitutes full-time public service.

(c) This service may not be credited in more than one retirement system under Title 19."

Section 22. Section 19-9-405, MCA, is amended to read:

"19-9-405. Qualification of other Montana public service. (1) (a) A member may, at any time before retirement, make a written election with the board to qualify all or any portion of the member's service credit in the public employees', highway patrol officers', firefighters' unified, sheriffs', or game wardens' retirement system for which the member either has received or is eligible to receive a refund of the member's accumulated contributions. To qualify this service, the member shall contribute to the pension trust fund the actuarial cost of granting the service in the municipal police officers' retirement system, as determined by the board, based on the most recent actuarial valuation minus the employer contribution provided in subsection (1)(b). This service may not be credited in more than one retirement system under Title 19.

(b) Upon receiving the member's payment under subsection (1)(a), the division shall transfer from the member's former retirement system to the municipal police officers' retirement system an amount equal to the employer contributions made during the member's service but no more than an amount equal to the regular contribution rate minus the employee contribution rate in the municipal police officers' retirement system, according to the most recent actuarial valuation, based on the salaries earned by the employee as a member of the former system.

(2) (a) A member may, at any time before retirement, make a written election with the board to qualify any full-time public service employment performed for the state or a political subdivision of the state. The member



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

shall provide salary and employment documentation certified by the member's public employer. The board shall grant service credit subject to rules adopted by the board upon contribution by the employee of the actuarial cost of granting this service in the municipal police officers' retirement system, as determined by the board, based on the employee's compensation earned during this period of service and the regular contribution rate according to the most recent actuarial valuation of the system.

(b) The board is the sole authority under this subsection (2) in determining what constitutes full-time public service.

(c) This service may not be credited in more than one retirement system under Title 19."

Renumber: subsequent sections

9. Page 15, line 24.

Following: line 23

Insert:

"Section 24. Section 19-13-404, MCA, is amended to read:

"19-13-404. Qualification of other Montana public service. (1) (a) A member may, at any time before retirement, make a written election with the board to qualify all or any portion of the member's service credit in the public employees', highway patrol officers', sheriffs', municipal police officers', or game wardens' retirement system for which the member either has received or is eligible to receive a refund of the member's accumulated contributions. To qualify this service, the member shall contribute to the pension trust fund the actuarial cost of granting the service in the firefighters' unified retirement system, as determined by the board, based on the most recent actuarial valuation minus the employer contribution provided in subsection (1)(b). This service may not be credited in more than one retirement system under Title 19.

(b) Upon receiving the member's payment under subsection (1)(a), the division shall transfer from the member's former retirement system to the firefighters' unified retirement system an amount equal to the employer contributions made during the member's service, but no more than an amount equal to the normal contribution rate minus the employee contribution rate in the firefighters' unified retirement system, according to the most recent actuarial valuation, based on the compensation earned by the employee as a member of the former system.

(2) (a) A member may, at any time before retirement, make a written election with the board to qualify any full-time public service employment performed for the state or a political subdivision of the state. The member shall provide compensation and employment documentation certified by the member's public employer. The board shall grant service credit subject to rules adopted by the board upon contribution by the employee of the actuarial cost of granting this service in the firefighters' unified retirement system, as determined by the board, based on the most recent actuarial valuation of the system.

(b) The board is the sole authority under this subsection (2) in determining what constitutes full-time public service.

(c) This service may not be credited in more than one retirement system under Title 19."

Renumber: subsequent sections

10. Page 16, line 7.

Following: line 6

Insert:

"Section 26. Section 19-20-409, MCA, is amended to read:

"19-20-409. Transfer of service credits and contributions from public employees' retirement system. (1) ~~A~~ An active member may at any time before ~~his~~ retirement make a written election with the retirement board to qualify in the teachers' retirement system all of ~~his~~ the member's previous creditable service in the public employees' retirement system. The amount that must be paid to the retirement system to qualify this service under this section is the sum of subsections (2) and (3).



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

(2) ~~The~~ In addition to the amounts directly paid or transferred by the member under subsection (3), the public employees' retirement system shall transfer to the teachers' retirement system an amount equal to 72% of the amount determined in accordance with subsection (3) payable by the member.

(3) ~~The employee member shall pay either directly or by transferring contributions on account with the public employees' retirement system an amount equal to his the member's accumulated contributions at the time he terminated that active membership under 19-2-601 was terminated, plus accrued interest. Interest must be calculated from the date of termination until payment is received by the retirement system, based on the interest tables in use by the public employees' retirement system.~~

(4) A member who qualifies service from the public employees' retirement system in the teachers' retirement system must complete 5 years of membership service in the teachers' retirement system to qualify or purchase military service, out-of-state teaching service, employment while on leave, and private school employment.

(5) The retirement board shall determine the service credits that may be transferred.

(6) ~~If a~~ an active member who also has creditable service in the public employees' retirement system dies before ~~he qualifies~~ qualifying this service in the teachers' retirement system and if ~~his~~ the member's service credits from both systems, when combined, entitle ~~his~~ the member's beneficiary to a death benefit, the payment of the death benefit is the liability of the teachers' retirement system. Before payment of the death benefit, the public employees' retirement board must transfer to the teachers' retirement system the contributions necessary to qualify this service in the teachers' retirement system as provided in subsections (2) and (3).

(7) If the retirement board determines that an individual's membership was erroneously classified and reported to the public employees' retirement system, the member's accumulated contributions and service must be transferred to the teachers' retirement system and any employee and employer contributions due as calculated in 19-20-602 and 19-20-605 are the liability of the employee and the employing entity where the error occurred, respectively."

Renumber: subsequent sections

11. Page 16, line 17.

Strike: "13"

Insert: "14"

12. Page 16, line 19.

Strike: "9, 11, 12, and 14 through 17"

Insert: "12, 14, 15, 18, 20, 23, and 25"

And, as amended, do pass. Report adopted.

**HB 379**, introduced bill, do pass. Report adopted.

STATE/FEDERAL RELATIONS (Curtiss, Chairman):  
**SJR 3**, be concurred in. Report adopted.

2/2/95

TAXATION (Hibbard, Chairman):  
**HB 360**, introduced bill, do pass. Report adopted.

2/2/95

Representative Peck present at this time.

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

2/3/95

**HB 20**, introduced by Pavlovich  
**HB 36**, introduced by Shea  
**HB 44**, introduced by Quilici  
**HB 49**, introduced by Kadas  
**HB 51**, introduced by J. Johnson  
**HB 67**, introduced by R. Johnson  
**HB 76**, introduced by R. Johnson  
**HJR 3**, introduced by Wyatt

Senate bills passed and transmitted to the House for concurrence:

2/3/95

**SB 66**, introduced by Lynch  
**SB 84**, introduced by Christiaens  
**SB 112**, introduced by Stang  
**SB 140**, introduced by Toews  
**SB 171**, introduced by Franklin

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 2, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 28 sponsored by Representative Schwinden on February 2, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 2, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 102 sponsored by Representative Rose on February 2, 1995.

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 2, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 107 sponsored by Representative DeBruycker on February 2, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 2, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 139 sponsored by Representative Royal Johnson on February 2, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 2, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 140 sponsored by Representative Kadas on February 2, 1995.

Sincerely,

MARC RACICOT  
Governor



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 416**, introduced by McKee, referred to Committee on Appropriations.  
**HB 417**, introduced by Mills, referred to Committee on Local Government.  
**HB 418**, introduced by Devaney, referred to Committee on Taxation.  
**HB 419**, introduced by McCulloch, referred to Committee on Business & Labor.  
**HB 420**, introduced by Ewer, referred to Committee on Appropriations.  
**HB 421**, introduced by Ewer, referred to Committee on Human Services & Aging.  
**HB 422**, introduced by H. Hanson, referred to Committee on Appropriations.  
**HB 423**, introduced by Harper, referred to Committee on State Administration.  
**HB 424**, introduced by Keenan, referred to Committee on Taxation.  
**HB 425**, introduced by Keenan, referred to Committee on Local Government.  
**HB 426**, introduced by Raney, referred to Committee on Business & Labor.  
**HB 427**, introduced by Raney, referred to Committee on State Administration.  
**HJR 17**, introduced by Tropila, referred to Committee on State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 66**, introduced by Lynch, referred to Committee on Judiciary.  
**SB 84**, introduced by Christiaens, referred to Committee on Human Services & Aging.  
**SB 112**, introduced by Stang, referred to Committee on Education & Cultural Resources.  
**SB 140**, introduced by Toews, referred to Committee on Education & Cultural Resources.  
**SB 171**, introduced by Franklin, referred to Committee on Business & Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harper in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 100** - Representative Grinde moved consideration of HB 100 be passed for the day. Motion carried.

**HB 135** - Representative Cobb moved HB 135 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Voted Absentee: Fisher, Keenan, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 168** - Representative Orr moved HB 168 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Fisher, Kasten.

Total 2

Voted Absentee: Keenan, Aye; Fisher, No.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Curtiss, R. Johnson.

Total 2

Representative Rose excused at this time.

**HB 177** - Representative Kottel moved HB 177 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Bohlinger, Carey, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Forbes, Fuchs, Galvin, Green, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, McCann, McCulloch, McGee, McKee, Menahan, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, Soft, Somerville, Squires, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 55

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

Noes: Arnott, Barnhart, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ewer, Feland, Fisher, Grady, Grinde, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Knox, Marshall, Martinez, Masolo, Mills, Molnar, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, S. Smith, Story, Stovall, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.

Total 44

Voted Absentee: Keenan, Aye; Fisher, Rose, Noes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 232** - Representative Jore moved HB 232 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Fisher, Galvin, Hagener, Harper, Hurdle, R. Johnson, Kadas, Knox, Ream, Schwinden, Soft, Tropila.

Total 16

Voted Absentee: Keenan, Rose, Ayes; Fisher, No.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Kottel.

Total 1

Representative Rose present at this time.

**HB 320** - Representative Galvin moved HB 320 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss,



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Bergman, Boharski, Curtiss, Denny, M. Hanson, R. Johnson, Kasten, Martinez, McGee, Nelson, Orr, S. Smith, Soft, Taylor, Wagner.  
Total 15

Voted Absentee: Fisher, Keenan, Ayes.

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Clark, Ellis.  
Total 2

**HB 336** - Representative Barnett moved HB 336 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Hagener, Heavy Runner, McCann, Schwinden, Wennemar.  
Total 5

Voted Absentee: Fisher, Keenan, Ayes.

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Barnett, Brainard, Sliter.  
Total 3

**SB 29** - Representative Grimes moved SB 29 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Fisher, Keenan, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Devaney, Heavy Runner, Jore, Soft.

Total 4

**HB 234** - Representative Hibbard moved consideration of HB 234 be passed for the day. Motion carried.

**HB 263** - Representative Ream moved consideration of HB 263 be passed for the day. Motion carried.

**HB 274** - Representative Wagner moved HB 274 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Hagener, McCann, Ream, Schwinden, Wennemar.

Total 5

Voted Absentee: Fisher, Keenan, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Simpkins.

Total 1

**HB 288** - Representative Marshall moved HB 288 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Anderson, Arnott, Boharski, Cobb, Denny, S. Smith.  
Total 6

Voted Absentee: Fisher, Keenan, Ayes.

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Ohs.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Harper moved that the Committee of the Whole report be adopted. Report adopted. (95-0)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 312** passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 79

Noes: Anderson, Arnott, Bergsagel, Boharski, DeBruycker, Feland, Fisher, M. Hanson, Holland, Kasten, Marshall, Masolo, Molnar, Nelson, Rehbein, Rose, L. Smith, S. Smith, Story, Wagner.  
Total 20

Voted Absentee: Keenan, Aye; Fisher, No.

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

**HB 316** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Boharski, Feland, Jore, Kasten, McGee, S. Smith.

Total 7

Voted Absentee: Fisher, Keenan, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Marshall, Rehbein, Rose.

Total 3

**HB 319** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Grady, Green, Grimes, Grinde, Hagener, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Curtiss, Fisher, M. Hanson, R. Johnson, Murdock, Nelson, Orr, Wagner.

Total 8

Voted Absentee: Keenan, Aye; Fisher, No.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Devaney, Fuchs, Galvin, Larson, Peck.

Total 5

**HB 324** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Boharski, Kasten, McCann.

Total 4

Voted Absentee: Fisher, Keenan, Ayes.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Orr.

Total 1

**HJR 13** passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Bergman, Boharski, Brainard, Cobb, Denny, Grady, Grimes, Jore, Kasten, Keenan, Knox, Masolo, Molnar, Rehbein, Simon, S. Smith, Story, Tash, Vick.

Total 19

Voted Absentee: Fisher, Aye; Keenan, No.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Ahner.

Total 1

**HB 252** passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Keenan,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 3, 1995

Kitzenberg, Kottel, Larson, Marshall, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Anderson, Arnott, Bergsagel, Boharski, Fisher, Forbes, Green, Hayne, Holland, R. Johnson, Jore, Kasten, Knox, Martinez, Masolo, Molnar, Rehbein, S. Smith, Soft, Story, Taylor, Trexler, Vick.

Total 23

Voted Absentee: Keenan, Aye; Fisher, No.

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

**HB 320** - Representative L. Smith moved she be allowed to change her vote on HB 320, second reading, from nay to aye. Motion carried.

**HB 274** - Representative DeBruycker moved he be allowed to change his vote on HB 274, second reading, from nay to aye. Motion carried.

Representative Harper moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

**HB 396** - Representative Grinde moved HB 396 be changed to reflect Representative Hayne as chief sponsor. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, February 4, 1995. Motion carried.

House adjourned at 2:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY**

Helena, Montana  
February 4, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bob Story. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Bergsagel, Fisher, Grinde, Mills, Molnar, Shea, L. Smith, S. Smith, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the twenty-eighth legislative day, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 2/4/95  
Correctly printed for second reading: HB 122, HB 176, HB 195, HB 196.  
Correctly engrossed for third reading: HB 135, HB 168, HB 177, HB 232, HB 274, HB 288, HB 320, HB 336.

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman): 2/3/95  
**SB 76**, be concurred in. Report adopted.

FISH & GAME (Wagner, Chairman): 2/3/95  
**HB 122**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

Following: "DEVELOPMENT" on line 8

Strike: remainder of line 8 through "COMMENTS" on line 9

Insert: "UNTIL CERTAIN CONDITIONS ARE MET"

2. Title, line 9.

Following: "COMMENTS;"

Insert: "PROVIDING AN EXCEPTION FOR MAINTENANCE, WEED CONTROL, AND NECESSARY  
SANITARY AND SAFETY MEASURES;"

3. Page 2, line 4.

Following: "(3)"

Insert: "(a)"

4. Page 2, line 5.

Following: "entity"

Insert: "residing in the state of Montana"

5. Page 2, line 7.

Strike: "If"

Insert: "(b) When"

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

6. Page 2, lines 9 through 11.

Following: "development" on line 9

Strike: remainder of line 9 through "comments" on line 11

Insert: "until the provisions of subsection (3)(c) are met. Maintenance, weed control, and necessary sanitary and safety measures are exempt from the public approval requirements of this subsection (3)."

(c) If the department wishes to pursue the improvement or development of a state park or fishing access site when the majority of persons and entities submitting written or oral comment to the department is opposed to the proposed improvement or development, the department shall work with the interested users of the state park or fishing access site to redesign the improvement or development. The department shall submit the redesigned improvement or development for public comment and may not proceed until a majority of persons or entities commenting on the proposed improvement or development supports the proposal"

And, as amended, do pass. Report adopted.

**HB 195**, introduced bill, be amended as follows:

1. Title, line 15.

Strike: "A"

2. Title, line 16.

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 23.

Following: "that"

Strike: "the"

Insert: "any"

4. Page 5, line 9.

Following: "with"

Insert: "general ranch maintenance, conservation efforts,"

5. Page 5, line 17.

Following: "in"

Insert: ", but application is not limited to,"

Following: "manner"

Strike: "or"

6. Page 5, line 18.

Strike: "other manner allowed by rule"

7. Page 5, line 28.

Strike: "and"

Insert: "program or"

Strike: "programs"

Insert: "program, or both"

8. Page 8, line 6.



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Following: "sell"

Insert: "as close to but"

9. Page 8, line 9.

Following: "unsold"

Insert: ", up to 5,500 Class B-10 licenses and 2,300 Class B-11 licenses,"

10. Page 8, line 12.

Following: "required"

Insert: "-- review committee. (1) The governor shall appoint a committee of persons interested in the hunter management program, the hunting access enhancement program, or other issues related to private lands and public wildlife to review the success and progress of the hunter management program and the hunting access enhancement program. The committee must have equal representation of landowners and sportspersons and be broadly representative of the various geographical areas of the state. The department may provide administrative assistance as necessary to facilitate the efforts of the review committee.  
(2)"

11. Page 8, line 12.

Following: "The"

Strike: "department"

Insert: "review committee"

Following: "governor"

Strike: remainder of line 12 through "legislature" on line 13

12. Page 8, line 16.

Following: "programs."

Insert: "If the review committee determines that expanding funding for programs for hunter management and hunting access enhancement is desirable, consideration must be given to providing the expanded funding through increases in resident hunting license fees."

13. Page 9, line 26.

Strike: "4,300"

Insert: "2,300"

14. Page 11, line 1.

Strike: "(1)"

15. Page 11, line 3.

Strike: "5-year"

16. Page 11, lines 8 through 11.

Strike: subsection (2) in its entirety

17. Page 12, line 3.

Strike: "[This act] terminates"

Insert: "(1) [Sections 1 through 10 and 12 through 16] terminate"

Following: line 3

Insert: "(2) [Section 11] terminates June 30, 1999."

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

And, as amended, do pass. Report adopted.

**HB 196**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "MASTER"

Insert: "PROFESSIONAL"

2. Title, line 7.

Strike: "AREA OPERATING"

Insert: "OPERATIONS"

3. Title, line 9.

Strike: "MASTER"

Insert: "PROFESSIONAL"

4. Page 1, line 21.

Strike: "operating area" in two places

Insert: "operations"

5. Page 1, lines 22 and 24.

Strike: "master"

Insert: "professional"

6. Page 1, line 26.

Strike: "operating area"

Insert: "operations"

7. Page 1, line 27.

Strike: "commercial"

Insert: "hunting"

Following: "will"

Insert: "cause undue"

Following: "existing"

Insert: "hunting"

8. Page 2, line 6.

Strike: "any"

Insert: "some"

9. Page 2, lines 17 and 18.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

10. Page 3, line 13.

Following: line 12

Insert: "(10) \"Professional guide\" means a guide who has met experience, training, and testing qualifications for designation as a professional guide, as set by board rule."

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Renumber: subsequent subsection

11. Page 3, line 25.

Strike: "master"

Insert: "professional"

12. Page 4, lines 4 and 8.

Strike: "master"

Insert: "professional"

13. Page 4, line 11.

Strike: "operating area"

Insert: "operations"

14. Page 4, line 16.

Strike: "master"

Insert: "professional"

15. Page 4, line 17.

Strike: "operating area"

Insert: "operations"

Following: "plans"

Insert: "involving hunting use"

16. Page 4, lines 18 and 19.

Following: "of"

Insert: "net client hunting use under"

Following: "an"

Insert: "outfitter's"

Following: "existing"

Strike: "operating area"

Insert: "operations"

Following: "will"

Strike: remainder of line 18 through "or" on line 19

17. Page 4, line 19.

Following: "with existing"

Insert: "hunting"

Following: "area"

Insert: ", constituting a threat to the public health, safety, or welfare"

18. Page 4, line 20.

Strike: first "operating area"

Insert: "operations"

Following: "of"

Strike: "an"

Insert: "net client hunting use under the"

Following: "existing"

Strike: "operating area"



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Insert: "operations"

19. Page 4, line 21.

Following: "existing"

Insert: "hunting"

20. Page 4, lines 22 and 23.

Strike: "operating area"

Insert: "operations"

Following: "another licensed outfitter"

Strike: remainder of line 22 through "area" on line 23

Insert: "Rules adopted pursuant to this section must provide for solicitation and consideration of comments from hunters and sportspersons in the area to be affected by the proposal who do not make use of outfitter services."

21. Page 4, lines 25, 29, and 30.

Strike: "master"

Insert: "professional"

22. Page 5, lines 4, 6, and 16.

Strike: "master"

Insert: "professional"

23. Page 5, lines 17 through 20

Strike: subsection (8) in its entirety

24. Page 6, lines 11, 26, 27, and 29.

Strike: "master"

Insert: "professional"

25. Page 6, line 30.

Following: ":",

Insert: "and"

26. Page 7, lines 10 through 12.

Strike: "; and" on line 10 through "agency" on line 12

27. Page 7, lines 14, 19, and 29.

Strike: "master"

Insert: "professional"

28. Page 7, line 22.

Following: "shall"

Insert: "forms the basis for the outfitter's operations plan and"

29. Page 8, lines 2, 3, and 4.

Strike: "master"

Insert: "professional"

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

30. Page 8, line 13.

Strike: "an operating area plan that specifies"

31. Page 10, lines 2 and 10.

Strike: "master"

Insert: "professional"

32. Page 11, lines 11, 18, 20, and 29.

Strike: "master"

Insert: "professional"

33. Page 12, lines 8, 10, 15 in two places, 24, 25, 26, and 29.

Strike: "master"

Insert: "professional"

34. Page 13, lines 1, 2, 8, 10, 11, 12, 14, 15, 18, 19, and 25 in two places.

Strike: "master"

Insert: "professional"

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/2/95

**HB 176**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "SURCHARGE"

Insert: "MUST BE DEPOSITED IN THE STATE GENERAL FUND AND IS INTENDED TO"

2. Title, lines 7 and 8.

Strike: "PROVIDING" on line 7 through "MCA;" on line 8

3. Page 1, line 20.

Following: "case or"

Insert: "determines pursuant to 25-10-404 that"

4. Page 1, line 26.

Strike: "account established in [section 2]"

Insert: "state general fund and is intended to be appropriated and used"

5. Page 1, line 28, through page 3, line 4.

Strike: sections 2 and 3 of the bill in their entirety

Renumber: subsequent sections

6. Page 3, line 6.

Strike: "(1)"

7. Page 3, lines 8 and 9.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**SB 36**, be amended as follows:

1. Page 5, lines 1 through 3.

Strike: "If the" on line 1 through "results." on line 3

And, as amended, be concurred in. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 428**, introduced by Ewer, referred to Committee on Business & Labor.

**HB 429**, introduced by Molnar, referred to Committee on Judiciary.

**HB 430**, introduced by Bohlinger, referred to Committee on Natural Resources.

**HB 431**, introduced by Shea, referred to Committee on Education & Cultural Resources.

**HB 432**, introduced by Wiseman, referred to Committee on Business & Labor.

**HB 433**, introduced by Grady, referred to Committee on Fish & Game.

**HB 434**, introduced by Cobb, referred to Committee on Education & Cultural Resources.

**HB 435**, introduced by Kottel, referred to Committee on Human Services & Aging.

**HB 436**, introduced by Kottel, referred to Committee on Human Services & Aging.

**HB 437**, introduced by Wells, referred to Committee on Education & Cultural Resources.

**HB 438**, introduced by Brainard, referred to Committee on Local Government.

**HB 439**, introduced by Ohs, referred to Committee on Fish & Game.

**HB 440**, introduced by Hayne, referred to Committee on Appropriations.

**HB 441**, introduced by Taylor, referred to Committee on Natural Resources.

**HB 442**, introduced by S. Smith, referred to Committee on Human Services & Aging.

**HJR 18**, introduced by Brainard, referred to Committee on Judiciary.

**HJR 19**, introduced by Pavlovich, referred to Committee on State Administration.

Representative Molnar present at this time.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 158** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr,



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Cobb, Ellingson, Jore, Kadas, Kottel, Quilici, Tuss, Wennemar.

Total 8

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde, L. Smith.

Total 2

Absent or not voting: None.

Total 0

**HB 264** passed as follows:

Ayes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fuchs, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, McGee, McKee, Mills, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 51

Noes: Ahner, Arnott, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Grady, Green, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, Menahan, Molnar, Murdock, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 47

Voted Absentee: Bergsagel, Grinde, Mills, S. Smith, Ayes; Fisher, Shea, Noes.

Excused: L. Smith.

Total 1

Absent or not voting: Forbes.

Total 1

**HB 135** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde, L. Smith.

Total 2

Absent or not voting: None.

Total 0

**HB 168** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Fisher, Kasten.

Total 2

Voted Absentee: Bergsagel, Mills, Shea, S. Smith, Ayes; Fisher, No.

Excused: Grinde, L. Smith.

Total 2

Absent or not voting: Denny, M. Hanson, R. Johnson, McCann, Simpkins.

Total 5

**HB 177** passed as follows:

Ayes: Anderson, Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, McGee, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Squires, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 53

Noes: Ahner, Barnett, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Feland, Fisher, Fuchs, Grady, Green, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Knox,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Marshall, Martinez, Masolo, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rose, Simpkins, S. Smith, Somerville, Story, Stovall, Taylor, Vick, Wells, Zook, Mr. Speaker.

Total 44

Voted Absentee: Bergsagel, Shea, Ayes; Fisher, Mills, S. Smith, Noes.

Excused: Grinde, L. Smith.

Total 2

Absent or not voting: Wagner.

Total 1

**HB 232** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Fisher, Galvin, Hagener, Harper, Hurdle, R. Johnson, Kadas, Peck, Ream, Schwinden, Soft, Tropila, Tuss.

Total 17

Voted Absentee: Bergsagel, Mills, Shea, S. Smith, Ayes; Fisher, No.

Excused: Grinde, L. Smith.

Total 2

Absent or not voting: None.

Total 0

**HB 274** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Noes: Schwinden.

Total 1

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde, L. Smith.

Total 2

Absent or not voting: Heavy Runner.

Total 1

**HB 288** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Cobb, Denny.

Total 3

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde, L. Smith.

Total 2

Absent or not voting: Fuchs.

Total 1

**HB 320** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Boharski, Curtiss, Denny, M. Hanson, R. Johnson, Jore, Kasten, Keenan, McGee, Nelson, S. Smith, Taylor, Wagner.

Total 13

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Voted Absentee: Bergsagel, Mills, Shea, Ayes; S. Smith, No.

Excused: Fisher, Grinde, L. Smith.

Total 3

Absent or not voting: Heavy Runner.

Total 1

**HB 336** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Hagener, Martinez, Schwinden.

Total 3

Voted Absentee: Bergsagel, Mills, Shea, S. Smith, Ayes.

Excused: Fisher, Grinde, L. Smith.

Total 3

Absent or not voting: Ream, Tuss.

Total 2

**SB 29** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Voted Absentee: Bergsagel, Mills, Shea, S. Smith, Ayes.

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Excused: Fisher, Grinde, L. Smith.  
Total 3

Absent or not voting: Devaney, Jore, Kadas.  
Total 3

Representative L. Smith present at this time.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Johnson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 234** - Representative Hibbard moved HB 234 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Murdock, Nelson, Orr, Pavlovich, Quilici, Ream, Rehbein, Rosè, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 77

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Green, Hagener, Harper, Harrington, Hurdle, Kadas, Kottel, McCulloch, Molnar, Ohs, Peck, Raney, Simon, Tropila, Tuss, Wennemar.  
Total 23

Voted Absentee: Bergsagel, Fisher, Grinde, Mills, Shea, S. Smith, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 263** - Representative Curtiss moved consideration of HB 263 be passed for the day. Motion carried.

**HB 291** - Representative Fuchs moved HB 291 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg,



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Wyatt.

Total 2

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

**HB 292** - Representative Fuchs moved HB 292 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Hurdle, Peck, Tropila, Wennemar.

Total 4

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

**HB 294** - Representative Ohs moved HB 294 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 83

Noes: Arnott, Bergsagel, Cobb, Feland, Grady, Hagener, Jore, Kasten, Kitzenberg, McCann, Molnar, Rehbein, Schwinden, Squires, Tuss, Wyatt.  
Total 16

Voted Absentee: Fisher, Mills, Shea, S. Smith, Ayes; Bergsagel, No.

Excused: Grinde.  
Total 1

Absent or not voting: None.  
Total 0

**HB 321** - Representative Ewer moved HB 321 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somervillè, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Voted Absentee: Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Bergsagel, Grinde.  
Total 2

Absent or not voting: Anderson, Ellis, Kottel.  
Total 3

**HB 326** - Representative Cocchiarella moved HB 326 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 77

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Noes: Anderson, Bergsagel, Boharski, DeBruycker, Feland, Fisher, Grimes, Jore, Kadas, Kasten, McGee, Rehbein, S. Smith, Taylor, Wells.

Total 15

Voted Absentee: Mills, Shea, Ayes; Bergsagel, Fisher, S. Smith, Noes.

Excused: Grinde.

Total 1

Absent or not voting: Arnott, Denny, Fuchs, Green, Keenan, Sliter, Vick.

Total 7

**HB 331** - Representative Kottel moved HB 331 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cobb, Mills.

Total 2

Voted Absentee: Bergsagel, Fisher, Shea, S. Smith, Ayes; Mills, No.

Excused: Grinde.

Total 1

Absent or not voting: Ohs.

Total 1

**HB 337** - Representative Cobb moved HB 337 do pass.

Representative Cobb moved consideration of HB 337 be placed at the bottom of the second reading board. Motion carried.

**HB 372** - Representative McKee moved consideration of HB 372 be passed for the day. Motion carried.

**HJR 10** - Representative Knox moved HJR 10 do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bohlinger, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grimes, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Larson, Marshall, Martinez, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea,



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Feland, Grady, Green, H.S. Hanson, M. Hanson, Hayne, Jore, Kasten, Kottel, Masolo, McCann, Murdock, Nelson, Rehbein, S. Smith, Soft, Taylor, Vick, Wagner.

Total 28

Voted Absentee: Fisher, Mills, Shea, Ayes; Bergsagel, S. Smith, Noes.

Excused: Grinde.

Total 1

Absent or not voting: Cobb, Keenan, Orr.

Total 3

**SB 4** - Representative Taylor moved SB 4 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel.

Total 1

Voted Absentee: Fisher, Mills, Shea, S. Smith, Ayes; Bergsagel, No.

Excused: Grinde.

Total 1

Absent or not voting: Feland.

Total 1

**SB 35** - Representative Elliott moved SB 35 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Brainard, Devaney, Fisher, L. Smith.

Total 4

Voted Absentee: Bergsagel, Mills, Shea, S. Smith, Ayes; Fisher, No.

Excused: Grinde.

Total 1

Absent or not voting: Wiseman.

Total 1

**SB 53** - Representative Jore moved consideration of SB 53 be placed at the bottom of the second reading board. Motion carried.

**SJR 2** - Representative Ellingson moved SJR 2 be concurred in. Motion carried as follows:

Ayes: Ahner, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Anderson, Arnott, Bergsagel, Boharski, Curtiss, DeBruycker, Devaney, M. Hanson, Hayne, Jore, Kasten, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Rehbein, Simon, S. Smith, Somerville, Vick, Wagner, Wells.

Total 24

Voted Absentee: Fisher, Shea, Ayes; Bergsagel, Mills, S. Smith, Noes.

Excused: Grinde.

Total 1

Absent or not voting: Barnett, Green.

Total 2

**HB 179** - Representative Feland moved HB 179 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: Fisher, Mills, Shea, S. Smith, Ayes; Bergsagel, No.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

**HB 235** - Representative Grady moved HB 235 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cobb, Fisher, Hurdle.

Total 3

Voted Absentee: Bergsagel, Mills, Shea, S. Smith, Ayes; Fisher, No.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

**HB 325** - Representative Simpkins moved HB 325 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Noes: Bergsagel, Boharski, Curtiss, DeBruycker, Ewer, Feland, M. Hanson, Hurdle, R. Johnson, Jore, Kasten, McCann, Murdock, Rehbein, Taylor, Vick, Wagner.

Total 17

Voted Absentee: Fisher, Mills, Shea, S. Smith, Ayes; Bergsagel, No.

Excused: Grinde.

Total 1

Absent or not voting: Arnott, Clark.

Total 2

**HB 329** - Representative Heavy Runner moved HB 329 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Rehbein.

Total 1

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Simpkins.

Total 1

**HB 360** - Representative Quilici moved HB 360 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Green, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Noes: DeBruycker, Fisher, Mills.

Total 3

Voted Absentee: Bergsagel, Shea, S. Smith, Ayes; Fisher, Mills, Noes.

Excused: Grinde.

Total 1

Absent or not voting: Denny, Grady, Grimes, Hibbard, Keenan, McCann, Menahan.

Total 7

**HB 379** - Representative Murdock moved HB 379 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Galvin, Keenan.

Total 2

**SB 34** - Representative Orr moved SB 34 be concurred in.

Representative Rehbein moved consideration of SB 34 be placed at the bottom of the second reading board. Motion carried.

**SB 47** - Representative McGee moved SB 47 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Bergsagel, Fisher, Mills, S. Smith, Ayes.

Excused: Grinde, Shea.  
Total 2

Absent or not voting: Grady.  
Total 1

**SB 68** - Representative Ryan moved SB 68 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 92

Noes: Hagener, Heavy Runner, Menahan, Peck, Tuss, Wyatt.  
Total 6

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.  
Total 1

Absent or not voting: Cobb.  
Total 1

**SB 106** - Representative M. Hanson moved SB 106 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Noes: Hagener, Peck.  
Total 2

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.  
Total 1

Absent or not voting: Cobb.  
Total 1

**SB 108** - Representative Kasten moved SB 108 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Bergsagel, Fisher, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.  
Total 1

Absent or not voting: Molnar.  
Total 1

Representative M. Hanson excused at this time.

**SJR 3** - Representative Barnett moved SJR 3 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 70

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Hurdle, J. Johnson, R. Johnson, Kadas, Kottel, Larson, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, Schwinden, Shea,

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Squires, Swanson, Tropila, Tuss, Wyatt.  
Total 28

Voted Absentee: Bergsagel, Fisher, M. Hanson, Mills, S. Smith, Ayes; Shea, No.

Excused: Grinde.  
Total 1

Absent or not voting: Heavy Runner.  
Total 1

**HB 337** - Representative Cobb moved HB 337 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: DeBruycker.  
Total 1

Voted Absentee: Bergsagel, Fisher, M. Hanson, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.  
Total 1

Absent or not voting: None.  
Total 0

**SB 53** - Representative Jore moved SB 53 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Hurdle.  
Total 1

HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

Voted Absentee: Bergsagel, Fisher, M. Hanson, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Keenan.

Total 1

**SB 34** - Representative Orr moved SB 34 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Elliott, Ellis, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Barnhart, Cocchiarella, DeBruycker, Ellingson, Ewer, Feland, Harper, Harrington, Hurdle, Peck, Raney, Tuss.

Total 12

Voted Absentee: Bergsagel, Fisher, M. Hanson, Mills, Shea, S. Smith, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

Representative H. Hanson moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman R. Johnson moved that the Committee of the Whole report be adopted. Report adopted. (73-14)

**MOTIONS**

**HB 264** - Representative Brainard moved he be allowed to change his vote on HB 264, third reading, from not voting to aye. Motion carried.

Representative Trexler moved he be allowed to change his vote on HB 264, third reading, from not voting to aye. Motion carried.

Representative Hagener moved she be allowed to change her vote on HB 264, third reading, from not voting to nay. Motion carried.

**SJR 3** - Representative Green moved he be allowed to change his vote on SJR 3, second reading, from not voting to aye. Motion carried.



HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY - FEBRUARY 4, 1995

**HB 234** - Representative Marshall moved he be allowed to change his vote on HB 234, second reading, from not voting to aye. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative H. Hanson moved the House adjourn until 1:00 p.m., Monday, February 6, 1995. Motion carried.

House adjourned at 11:20 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 6, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative George Heavy Runner. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Mills, excused. Quorum present.

Representative Peck excused at this time.

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

2/6/95

Correctly printed for second reading: HB 142, HB 248, HB 287.

Correctly engrossed for third reading: HB 179, HB 234, HB 235, HB 291, HB 292, HB 294, HB 321, HB 325, HB 326, HB 329, HB 331, HB 337, HB 360, HB 379, HJR 10.

Correctly enrolled: HB 16, HB 37, HB 98, HB 106, HB 108, HB 178, HB 210.

Examined by the sponsor and found to be correct: HB 16, HB 37, HB 98, HB 106, HB 108, HB 178, HB 210.

Signed by the Speaker at 1:30 p.m., 2/4/95: HB 20, HB 30, HB 36, HB 43, HB 44, HB 49, HB 51, HB 67, HB 76, HJR 3.

Delivered to the Governor for his approval at 1:30 p.m., 2/6/95: HB 20, HB 30, HB 36, HB 43, HB 44, HB 49, HB 51, HB 67, HB 76.

**APPROPRIATIONS (Zook, Chairman):**

2/6/95

**HB 142**, introduced bill, be amended as follows:

1. Title, line 8.

Following: "10-3-305,"

Insert: "10-3-312,"

2. Page 2, line 4.

Following: "1"

Insert: "that is beyond the capability of local government to adequately respond, thus"

3. Page 6.

Following: line 5

Insert: "Section 7. Section 10-3-312, MCA, is amended to read:

"10-3-312. Maximum expenditure by governor -- appropriation. (1) (a) Whenever an emergency or disaster is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to exceed \$2 million in any biennium, minus any amount appropriated pursuant to [section 8] in the same biennium.

(b) Whenever an emergency or disaster due to fire is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to exceed \$3 million in any biennium. The amount appropriated in this subsection (b) may be combined with the amount appropriated in subsection (1)(a) for an emergency or disaster due to fire.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the



HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

office of the governor, as provided in 17-7-502, and ~~he~~ the governor is authorized to expend from the general fund, an amount not to exceed \$500,000 during the biennium to meet the state's share of the individual and family grant programs as provided in 42 U.S.C. 5178."

Renumber: subsequent sections

4. Page 6, line 10.

Following: "."

Insert: "Official response to an incident may only be upon the request of the local governing body."

5. Page 7, line 7.

Strike: "7"

Insert: "8"

6. Page 7, lines 28 and 30.

Strike: "7"

Insert: "8"

And, as amended, do pass. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman):

2/3/95

**HB 248**, introduced bill, be amended as follows:

1. Title, line 12.

Following: "DATES"

Strike: "AND"

Insert: ", "

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

2. Page 6, line 23.

Following: line 22

Insert: "(d) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than 30 days prior to the expiration date of a commercial driver's license if the licensee has previously submitted a written request for the notice, either at the time of initial application or of renewal of the license."

3. Page 6, line 23.

Strike: "subsection"

Insert: "subsections"

4. Page 8, line 8.

Following: "and"

Insert: "25 %"

5. Page 8, line 13.

Following: "and"

Insert: "3.75 %"

6. Page 8, line 21.

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Following: "and"  
Insert: "8.75%"

7. Page 8, line 24.  
Following: "and"  
Insert: "62.5%"

8. Page 9, line 24.  
Insert: "NEW SECTION. Section 9. Termination. [Section 6] terminates September 30, 1999."

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):  
**HB 287**, introduced bill, be amended as follows:

2/3/95

1. Title, line 5.  
Following: "PROVIDING"  
Insert: "THAT THE DEPARTMENT OF REVENUE IS A JUDGMENT LIEN CREDITOR; PROVIDING"

2. Title, lines 6 through 9.  
Strike: "PROVIDING" on line 6 through "PAID;" on line 9  
Insert: "PROVIDING THAT THE LIEN ON REAL OR PERSONAL PROPERTY CREATED BY A WARRANT FOR DISTRRAINT IS NOT VALID AGAINST PURCHASERS, CERTAIN HOLDERS OF SECURITY INTERESTS, JUDGMENT LIEN CREDITORS, AND OTHER LIENHOLDERS WHOSE INTEREST IS RECORDED PRIOR TO THE FILING OF THE WARRANT FOR DISTRRAINT;"

3. Page 1, line 22.  
Following: "lien,"  
Insert: " the department is a judgment lien creditor,"

4. Page 1, line 28 through page 2, line 6.  
Following: "(4)" on page 1, line 28  
Strike: the remainder of subsection (4) and subsection (5) in its entirety  
Insert: "The tax lien provided for in (3) is not valid against purchasers, holders of security interests, judgment lien creditors, and those lienholders identified in Title 71, chapter 3, parts 3 through 15, whose interest is recorded prior to the filing of the warrant for distraint."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

2/4/95

**HB 16**, introduced by Wyatt  
**HB 37**, introduced by Ellingson  
**HB 106**, introduced by Menahan  
**HB 108**, introduced by Cobb  
**HB 178**, introduced by Ewer

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

**HB 210**, introduced by Pavlovich

House bill concurred in and returned to the House:

2/4/95

**HB 98**, introduced by Pavlovich

House amendments concurred in by the Senate:

**SB 71**, introduced by Stang

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/4/95

**HB 73**, introduced by Pavlovich

Senate bills passed and transmitted to the House for concurrence:

2/4/95

**SB 80**, introduced by Keating

**SB 83**, introduced by Grosfield

**SB 103**, introduced by Hargrove

**SB 114**, introduced by Mohl

**SB 122**, introduced by Toews

**SB 126**, introduced by Beck

**SB 151**, introduced by Bartlett

**SB 156**, introduced by Waterman

Senate bills passed and transmitted to the House for concurrence:

2/4/95

**SB 13**, introduced by Halligan

**SB 78**, introduced by Grosfield

**SB 124**, introduced by Crismore

**SB 153**, introduced by Brooke

**SB 186**, introduced by Beck

**SB 204**, introduced by Grosfield

**SB 272**, introduced by Grosfield

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 6, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 75 sponsored by Representative Wiseman on February 6, 1995.



HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 6, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 171 sponsored by Representative Mercer on February 6, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

- HB 443**, introduced by Mercer, referred to Committee on Judiciary.
- HB 444**, introduced by Harper, referred to Committee on Judiciary.
- HB 445**, introduced by Grady, referred to Committee on Agriculture, Livestock & Irrigation.
- HB 446**, introduced by Orr, referred to Committee on Select Health Care.
- HB 447**, introduced by Menahan, referred to Committee on Appropriations.
- HB 448**, introduced by Somerville, referred to Committee on Highways & Transportation.
- HB 449**, introduced by Swanson, referred to Committee on Taxation.
- HB 450**, introduced by Martinez, referred to Committee on Judiciary.
- HB 451**, introduced by Elliott, referred to Committee on Fish & Game.

The following Senate bills were introduced, read first time, and referred to committees:

- SB 78**, introduced by Grosfield.
- SB 80**, introduced by Keating.
- SB 83**, introduced by Grosfield.
- SB 103**, introduced by Hargrove.
- SB 114**, introduced by Mohl.
- SB 122**, introduced by Toews.
- SB 124**, introduced by Crismore.
- SB 126**, introduced by Beck.
- SB 151**, introduced by Bartlett.
- SB 153**, introduced by Brooke.
- SB 156**, introduced by Waterman.
- SB 186**, introduced by Beck.

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

**SB 204**, introduced by Grosfield.

**SB 272**, introduced by Grosfield.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 372** - Representative McKee moved HB 372 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Curtiss, Hurdle, Kitzenberg.

Total 3

Voted Absentee: Mills, Peck, Ayes.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

Representative Fuchs excused at this time.

**HB 306** - Representative Hayne moved HB 306 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Ewer, Feland, Harper, Hurdle, R. Johnson, Jore, Kadas,

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Kasten, Marshall, McCann, Nelson, Raney, Rehbein, S. Smith, Soft, Story, Trexler, Vick, Wagner, Wennemar.  
Total 25

Voted Absentee: Fuchs, Mills, Peck, Ayes.

Excused: None.  
Total 0

Absent or not voting: Hagener.  
Total 1

Representatives Fuchs and Peck present at this time.

**HB 273** - Representative Harper moved HB 273 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wiseman, Zook, Mr. Speaker.  
Total 85

Noes: Arnott, Bergsagel, Cobb, DeBruycker, Feland, Green, H.S. Hanson, Ream, Rehbein, Somerville, Tuss, Vick, Wells, Wennemar, Wyatt.  
Total 15

Voted Absentee: Mills, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 122** - Representative Raney moved HB 122 do pass. Motion failed as follows:

Ayes: Bergsagel, Bohlinger, Carey, Cobb, Curtiss, DeBruycker, Ellingson, Forbes, Fuchs, Galvin, Grinde, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Kadas, Kitzenberg, Knox, Larson, McCann, McCulloch, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Raney, Rehbein, Ryan, Schwinden, Simpkins, Sliter, L. Smith, S. Smith, Soft, Stovall, Trexler, Tropila, Tuss, Wagner, Wells, Zook.  
Total 45

Noes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Brainard, Clark, Cocchiarella, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Grady, Green, Grimes, Hagener, H.S. Hanson, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Marshall, Martinez, Masolo, McGee, McKee, Molnar, Orr, Quilici, Ream, Rose, Shea, Simon, Somerville, Squires, Story, Swanson, Tash, Taylor, Vick, Wennemar,



HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Wiseman, Wyatt, Mr. Speaker.  
Total 53

Voted Absentee: Mills, Aye.

Excused: None.  
Total 0

Absent or not voting: Arnott, Kottel.  
Total 2

**HB 176** - Representative Hagener moved consideration of HB 176 be passed for the day. Motion carried.

**SB 36** - Representative Grinde moved consideration of SB 36 be placed at the top of the second reading board. Motion carried.

Representative Grimes moved SB 36 be concurred in.

Representative Ellingson moved consideration of SB 36 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Sliter moved that the Committee of the Whole report be adopted. Report adopted. (97-0)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 179** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Hurdle.  
Total 1

Excused: Mills.  
Total 1

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Absent or not voting: Devaney, Harrington, Tuss.  
Total 3

**HB 234** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 79

Noes: Barnhart, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Green, Harper, Harrington, Hurdle, Kottel, Menahan, Molnar, Ohs, Raney, Simon, Tuss, Wennemar.  
Total 19

Excused: Mills.  
Total 1

Absent or not voting: Keenan.  
Total 1

**HB 235** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Cobb, Hurdle.  
Total 3

Excused: Mills.  
Total 1

Absent or not voting: None.  
Total 0

**HB 291** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 94

Noes: Heavy Runner, McCann, Wyatt.  
Total 3

Excused: Mills.  
Total 1

Absent or not voting: Fuchs, Jore.  
Total 2

**HB 292** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Arnott, Bergsagel, Hurdle, Rehbein, Ryan, Tuss.  
Total 6

Excused: Mills.  
Total 1

Absent or not voting: Harper.  
Total 1

**HB 294** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash,



HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 84

Noes: Bergsagel, Cobb, Cocchiarella, Feland, Grady, Jore, Kitzenberg, Martinez, Rehbein, Schwinden, Wagner.  
Total 11

Excused: Mills.  
Total 1

Absent or not voting: Anderson, Fuchs, Kasten, Wyatt.  
Total 4

**HB 321** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Mills.  
Total 1

Absent or not voting: Kasten, Pavlovich.  
Total 2

**HB 325** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 77

Noes: Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Ewer, Feland, M. Hanson, Hurdle, R. Johnson, Jore, Kasten, Martinez, McCann, Murdock, Ream, Rehbein, Taylor, Tuss, Vick, Wagner.  
Total 21

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Excused: Mills.

Total 1

Absent or not voting: Fisher.

Total 1

**HB 326** passed as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Anderson, Arnott, Bergsagel, Boharski, DeBruycker, Feland, Fisher, Green, Grimes, Jore, Kadas, Kasten, McGee, Rehbein, Simpkins, S. Smith, Taylor, Vick, Wells.

Total 19

Excused: Mills.

Total 1

Absent or not voting: Keenan.

Total 1

**HB 329** passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Mills.

Total 1

Absent or not voting: Ahner.

Total 1

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

**HB 331** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Cobb.

Total 1

Excused: Mills.

Total 1

Absent or not voting: Heavy Runner.

Total 1

**HB 337** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker.

Total 1

Excused: Mills.

Total 1

Absent or not voting: Fuchs.

Total 1

**HB 360** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg,



HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: L. Smith.

Total 1

Excused: Mills.

Total 1

Absent or not voting: Hibbard.

Total 1

**HB 379** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Mills.

Total 1

Absent or not voting: Feland.

Total 1

**HJR 10** passed as follows:

Ayes: Ahner, Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, McCulloch, McGee, McKee, Menahan, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Feland, Green, M. Hanson, Hayne, Jore, Kasten, Martinez, Masolo, McCann, Murdock, Rehbein, S. Smith, Soft, Taylor, Vick,

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Wagner.  
Total 25

Excused: Mills.  
Total 1

Absent or not voting: Keenan.  
Total 1

**SB 4** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel, Jore.  
Total 2

Excused: Mills.  
Total 1

Absent or not voting: None.  
Total 0

**SB 34** concurred in as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Barnhart, Ellingson, Ewer, Harper, Hurdle, Peck.  
Total 6

Excused: Mills.  
Total 1

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Absent or not voting: Anderson.  
Total 1

**SB 35** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Brainard, Devaney.  
Total 2

Excused: Mills.  
Total 1

Absent or not voting: None.  
Total 0

**SB 47** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Mills.  
Total 1

Absent or not voting: None.  
Total 0

**SB 53** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,



HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Denny, Hagener, Hurdle, Peck.  
Total 4

Excused: Mills.  
Total 1

Absent or not voting: None.  
Total 0

**SB 68** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Ewer, Fuchs, Hagener, Harper, Heavy Runner, Larson, Peck, Raney, Tuss.  
Total 9

Excused: Mills.  
Total 1

Absent or not voting: None.  
Total 0

**SB 106** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor,

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Hagener, Peck.  
Total 2

Excused: Mills.  
Total 1

Absent or not voting: None.  
Total 0

**SB 108** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Elliott.  
Total 1

Excused: Mills.  
Total 1

Absent or not voting: Somerville.  
Total 1

**SJR 2** concurred in as follows:

Ayes: Barnett, Barnhart, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, McCann, McCulloch, McKee, Menahan, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Mr. Speaker.  
Total 68

Noes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Boharski, Curtiss, DeBruycker, Devaney, Grady, Green, Grinde, M. Hanson, Hayne, Herron, Jore, Kasten, Marshall, Masolo, McGee, Molnar, Murdock, Nelson, Rehbein, Simon, S. Smith, Somerville, Vick, Wagner, Wells, Zook.  
Total 31

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

Excused: Mills.

Total 1

Absent or not voting: None.

Total 0

**SJR 3** concurred as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 73

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Harper, Harrington, Hurdle, J. Johnson, R. Johnson, Kadas, Kottel, Larson, McCulloch, Menahan, Quilici, Ream, Schwinden, Shea, Squires, Tropila, Tuss, Wyatt.

Total 24

Excused: Mills.

Total 1

Absent or not voting: Heavy Runner, Story.

Total 2

**MOTIONS**

**HB 176** - Representative Hibbard moved HB 176 be taken from second reading and rereferred to the Committee on Taxation. Motion carried.

**HB 421** - Representative Grimes moved HB 421 be taken from the Committee on Human Services & Aging and rereferred to the Committee on Local Government. Motion carried.

**HB 234** - Representative Squires moved she be allowed to change her vote on HB 234, third reading, from not voting to aye. Motion carried.

**HB 372** - Representative Sliter moved HB 372 be allowed to change his vote on HB 372, second reading, from not voting to aye. Motion carried.

**HB 306** - Representative Sliter moved he be allowed to change his vote on HB 306, second reading, from not voting to aye. Motion carried.

**HB 122** - Representative Sliter moved he be allowed to change his vote on HB 122, second reading, from not voting to aye. Motion carried.



HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 6, 1995

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, February 6, 1995. Motion carried.

House adjourned at 3:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 7, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hal Harper. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

2/7/95

Correctly printed for second reading: HB 192, HJR 11.

Correctly engrossed for third reading: HB 273, HB 372, HB 306.

Correctly enrolled: HB 26.

Examined by the sponsor and found to be correct: HB 26.

Signed by the Speaker at 10:30 a.m., 2/7/95: HB 16, HB 37, HB 98, HB 106, HB 108, HB 178, HB 210.

**APPROPRIATIONS (Zook, Chairman):**

2/6/95

**SB 25**, be concurred in. Report adopted.

**LOCAL GOVERNMENT (Boharski, Chairman):**

2/6/95

**HJR 11**, introduced bill, do pass. Report adopted.

**NATURAL RESOURCES (Knox, Chairman):**

2/7/95

**HB 192**, introduced bill, be amended as follows:

1. Title, lines 6, 9, and 12.

Strike: "COUNCILS"

Insert: "WORK GROUPS".

2. Title, lines 6 through 8.

Strike: "AUTHORIZING" on line 6 through "COUNCILS;" on line 8

3. Title, line 13.

Strike: "AN"

Strike: "DATE"

Insert: "DATES"

4. Page 1, lines 18 through 21.

Following: "(a)" on line 18

Strike: "the" through "(b)" on line 21

5. Page 1, line 22.

Following: "programs;"

Insert: "and"

6. Page 1, line 23.

Strike: "(c)"

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 7, 1995

Insert: "(b)"

Strike: "the management of watersheds"

Insert: "watershed planning"

7. Page 1, line 24.

Strike: "; and"

Insert: "."

8. Page 1, lines 25 through 27.

Strike: subsection (1)(d) in its entirety

9. Page 1, line 29, through page 2, line 2.

Following: "(a)" on page 1, line 29

Strike: "the" through "encouraged" on page 2, line 2

Insert: "affected local interests are encouraged to organize watershed work groups when resource concerns are identified within a watershed;

(b) federal, state, and local government agencies may not provide assistance to or serve on local work groups unless requested by the local watershed work group; and

(c) any watershed planning conducted by local work groups must respect private property rights, must respect the prior appropriation doctrine, and must be consensus-based"

10. Page 2, lines 4 and 5.

Strike: "councils" on line 4

Insert: "work groups"

Strike: "individuals" on line 4 through "citizens" on line 5

Insert: "persons"

Following: "and" on line 5

Insert: "local"

Strike: "councils"

Insert: "work groups"

11. Page 2, line 6.

Strike: "Membership on"

Insert: "When resource concerns are identified in a watershed,"

Strike: "council"

Insert: "work group"

Following: "affected"

Insert: "local"

12. Page 2, lines 7 and 8.

Strike: "Each" on line 7 through "session" on line 8

Insert: "Local watershed work groups are encouraged to use a consensus-based process"

13. Page 2, line 9.

Strike: "councils"

Insert: "work groups"

14. Page 2, lines 10 through 13.

Strike: "providing" on line 10 through "(c)" on line 13



HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 7, 1995

Following: "identifying" on line 13

Insert: "local"

Strike: "and problems" on line 13

15. Page 2, line 15.

Strike: "(d)"

Insert: "(b)"

Following: "watershed;"

Insert: "(c) providing education on local water-related issues;"

16. Page 2, line 16.

Strike: "(e)"

Insert: "(d)"

Following: "agencies"

Insert: "and local conservation districts"

Renumber: subsequent subsection

17. Page 2, lines 19 and 20.

Strike: "A" on line 19 through "drainages" on line 20

Insert: "Upon request of local watershed work groups, state and local agencies and conservation districts are authorized and encouraged to provide assistance to and cooperate with a local watershed work group"

18. Page 2, lines 22 through 27.

Strike: lines 22 through 27 in their entirety

Renumber: subsequent sections

19. Page 2, line 28.

Following: "(4)"

Strike: "To" through "state"

Insert: "State"

Following: "agencies"

Strike: "are encouraged to"

Insert: "and conservation districts shall"

20. Page 2, line 29.

Strike: "state and federal"

21. Page 2, line 30.

Strike: "State"

Insert: "Federal and state"

Following: "agencies"

Insert: "and conservation districts"

Strike: "council"

Insert: "work group"

22. Page 3, line 3.

Strike: "councils"

Insert: "work groups"

Strike: "The department is"

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 7, 1995

Insert: "State agencies and conservation districts are"

23. Page 3, lines 4 and 5.

Strike: "that" on line 4 through "strategies" on line 5

Insert: "for disbursement to local watershed work groups"

Strike: "The department" on line 5

Insert: "State agencies"

24. Page 3, line 6.

Strike: first "department"

Insert: "agencies"

Strike: "councils"

Insert: "work groups"

Strike: "The department"

Insert: "State agencies"

25. Page 3, twice on line 7.

Strike: "councils"

Insert: "work groups"

26. Page 4, line 19.

Strike: "7 through 9"

Insert: "6 through 8"

27. Page 5, line 2.

Strike: "8"

Insert: "7"

28. Page 5, line 13.

Strike: "councils"

Insert: "work groups"

29. Page 5, line 14.

Strike: "Once"

Insert: "Upon an original application for a license under this section, the county treasurer shall deposit \$3 of the \$20 donation in the county general fund. Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the donation as provided in subsection (3).

(3) Except as provided in subsection (2), once"

30. Page 5, line 21.

Strike: "(3)"

Insert: "(4)"

31. Page 5, line 22.

Strike: "council"

Insert: "work group"

Strike: "12"

Insert: "11"

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 7, 1995

32. Page 6, line 2.

Strike: "6"

Insert: "5"

33. Page 6, lines 5 and 6.

Strike: "8"

Insert: "7"

34. Page 8, line 21.

Strike: "6"

Insert: "5"

35. Page 11, lines 13 and 14.

Strike: "council"

Insert: "work group"

36. Page 11, line 15.

Strike: "10(2)"

Insert: "9(2)"

37. Page 11, line 17.

Strike: "councils"

Insert: "work groups"

38. Page 11, lines 19 and 21.

Strike: "4 and 12"

Insert: "3 and 11"

39. Page 11, lines 22 and 23.

Strike: "6 through 10"

Insert: "5 through 9"

40. Page 11, line 25.

Strike: "date" through "is"

Insert: "dates. (1) [Sections 1 through 4, 11, 12, and this section] are"

41. Page 11.

Following: line 25

Insert: "(2) [Sections 5 through 10] are effective January 1, 1996."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House:

2/6/95

**HB 26**, introduced by Wyatt



HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 7, 1995

Senate bills passed and transmitted to the House for concurrence:

2/6/95

SB 22, introduced by Gage  
SB 200, introduced by Lynch  
SB 255, introduced by Franklin  
SB 269, introduced by Crippen

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 452, introduced by Kadas, referred to Committee on Agriculture, Livestock & Irrigation.  
HB 453, introduced by Kadas, referred to Committee on Agriculture, Livestock & Irrigation.  
HB 454, introduced by Harper, referred to Committee on Business & Labor.  
HB 455, introduced by Bergman, referred to Committee on State Administration.  
HB 456, introduced by Ream, referred to Committee on Highways & Transportation.  
HB 457, introduced by Vick, referred to Committee on Judiciary.  
HB 458, introduced by Larson, referred to Committee on Business & Labor.  
HB 459, introduced by Cocchiarella, referred to Committee on Agriculture, Livestock & Irrigation.  
HB 460, introduced by Quilici, referred to Committee on Business & Labor.  
HB 461, introduced by Ryan, referred to Committee on Human Services & Aging.  
HB 462, introduced by Ewer, referred to Committee on Business & Labor.  
HB 463, introduced by Ewer, referred to Committee on Business & Labor.  
HJR 20, introduced by Masolo, referred to Committee on Education & Cultural Resources.

**MOTIONS**

HB 122 - Representative Raney moved the House reconsider its action on HB 122 taken on second reading the previous legislative day. Motion carried as follows: (53-42)

Representative Raney moved HB 122 be taken from second reading and rereferred to the Committee on Fish & Game. Motion carried.

HB 249 - Representative Grinde moved HB 249 be taken from the Committee on Local Government and rereferred to the Committee on Highways & Transportation. Motion carried.

HJR 18 - Representative Clark moved HJR 18 be taken from the Committee on Judiciary and rereferred to the Committee on State Administration. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 7, 1995

**HB 142** - Representative Somerville moved HB 142 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Anderson, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Jore, Keenan, Kottel, McGee, Orr, Rehbein, Schwinden, Sliter, S. Smith, Story, Trexler, Vick, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 248** - Representative Bergsagel moved HB 248 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergman, Boharski, Denny, Heavy Runner, R. Johnson.

Total 5

Excused: None.

Total 0

Absent or not voting: Tropila.

Total 1

**HB 287** - Representative Ream moved HB 287 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch,

HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 7, 1995

McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Boharski, Brainard, Curtiss, Feland, Fisher, Fuchs, Jore, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: Anderson, Martinez, Tropila.

Total 3

Representative Grimes moved consideration of SB 36 be placed at the bottom of the second reading board. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tropila moved that the Committee of the Whole report be adopted. Report adopted. (91-5)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 306** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bergsagel, Boharski, Brainard, DeBruycker, Ewer, Hurdle, R. Johnson, Jore, Kadas, Kasten, Keenan, McCann, Rehbein, Sliter, S. Smith, Story, Vick, Wagner, Wennemar.

Total 19

Excused: None.

Total 0

Absent or not voting: Feland, Grady, Peck.

Total 3



HOUSE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 7, 1995

**HB 372** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Hurdle.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Grady, Ohs.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, February 8, 1995. Motion carried.

House adjourned at 1:55

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 8, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation sung by the Delphian Choir from Great Falls High School. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-ninth, thirtieth and thirty-first legislative days, find the same to be correct.

Hayne, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

2/8/95

Correctly printed for second reading: HB 64, HB 134, HB 201, HB 212, HB 228, HB 272, HB 342, HB 404, HJR 14, HJR 15.

Correctly engrossed for third reading: HB 142, HB 248, HB 287.

Correctly enrolled: HB 25.

Examined by the sponsor and found to be correct: HB 25.

Signed by the Speaker at 6:00 p.m., 2/7/95: HB 26.

Delivered to the Governor for his approval at 9:00 a.m., 2/8/95: HB 16, HB 37, HB 98, HB 106, HB 108, HB 178, HB 210.

Delivered to the Governor for his approval at 1:00 p.m., 2/8/95: HB 26.

**AGRICULTURE, LIVESTOCK & IRRIGATION (Barnett, Chairman):**

2/6/95

**HB 212**, introduced bill, be amended as follows:

1. Page 7, line 5.

Following: "in"

Insert: "proven exposure of humans, agricultural commodities, or livestock or results in"

Strike: "or exposure"

2. Page 4, line 13.

Following: "~~subcontractors.~~"

Insert: "The compliance order may be issued to any person, including the person's employees, agents, or subcontractors."

3. Page 4, line 14 through 20.

Strike: "(b)" on line 14 through "consent." on line 20

Renumber: subsequent subsections

4. Page 8, line 27 through page 9, line 3.

Strike: "(b)" on line 27 through "consent." on line 3

Renumber: subsequent subsections

5. Page 3, line 9.



HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

Following: "water and"

Insert: "environmental protection agency"

6. Page 4, lines 21 and 22.

Strike: "An" on line 21 through "party" on line 22

Insert: "The provisions of this subsection (3) are not intended to void or affect indemnity or liability agreements between the person who owns, leases, or has possession or control of the site and the person who sold the site, who is the lessor, or who has relinquished possession or control of the site"

7. Page 5, lines 26 and 27.

Strike: "first" on line 26 through "1" on line 27

Insert: "county where a violation is about to occur or has occurred"

8. Page 5, line 29.

Following: "~~law~~"

Insert: "notwithstanding the existence of other remedies of law"

9. Page 6, line 4.

Following: "✓"

Insert: "When a person makes pesticide applications in more than one county on a commercial basis without a license or permit or operates in violation of a lawful written order of the department in more than one county, the district court of Lewis and Clark County has concurrent jurisdiction with the district court of another county where a violation has occurred or is about to occur and the department may select and proceed in the court that is most appropriate under the circumstances."

10. Page 6, line 21.

Strike: "either"

11. Page 6, line 22.

Strike: "affected"

Insert: "significantly harmed"

12. Page 6, line 24.

Strike: "the"

13. Page 6, line 25.

Strike: "of the first judicial district, Lewis and Clark County"

14. Page 6, line 26.

Following: "who"

Insert: "willfully"

15. Page 7, line 16.

Following: "with"

Insert: "pesticide"

16. Page 7, line 16.

Following: "water and"

Insert: "environmental protection agency"

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

17. Page 9, lines 4 and 5.

Strike: "An" on line 4 through "party" on line 5

Insert: "The provisions of this subsection (2) are not intended to void or affect indemnity or liability agreements between the person who owns, leases, or has possession or control of the site and the person who sold the site, who is the lessor, or who has relinquished possession or control of the site"

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

2/7/95

**HB 272**, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "~~or suffer~~"

Insert: "or suffer"

2. Page 1, line 25.

Following: "tips"

Strike: ", "

Following: "and"

Insert: "and"

Strike: ", or service charges"

Insert: "that are"

Following: "3402(k)"

Insert: " and service charges that are covered by section 3401"

3. Page 2, line 6.

Following: "~~suffer or~~"

Insert: "suffer or"

4. Page 2, lines 23 and 24.

Following: "tips"

Strike: "1"

Insert: "or"

Following: "gratuities"

Strike: ", or service charges"

Insert: "that are"

Following: "3402(k)"

Insert: "or service charges that are covered by section 3401"

And, as amended, do pass. Report adopted.

**HB 342**, introduced bill, do pass. Report adopted.

**SB 125**, be amended as follows:

1. Page 4, line 16.

Following: "(i)"

Insert: ": (i)"

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

2. Page 4, line 20.

Following: "~~contract~~"

Insert: "; (ii) is paid for services that are directly related to the completion of a contracted specific task rather than on an hourly wage basis; and (iii) performs all services as an independent contractor pursuant to a written contract"

3. Page 6, line 28.

Following: "~~(i)~~"

Insert: ": (i)"

4. Page 7, line 2.

Following: "~~contract~~"

Insert: "; (ii) is paid for services that are directly related to the completion of a contracted specific task rather than on an hourly wage basis; and (iii) performs all services as an independent contractor pursuant to a written contract"

And, as amended, be concurred in. Report adopted.

**SB 196**, be concurred in. Report adopted.

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman):

2/7/95

**HB 201**, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "AND"

Following: "YIELD"

Insert: "; PROVIDING THAT A PORTION OF INCOME FROM SUSTAINABLE YIELD FROM SCHOOL TRUST LAND BE USED TO FUND SCHOOL TECHNOLOGY; AMENDING SECTION 20-9-343, MCA; AND PROVIDING AN EFFECTIVE DATE"

2. Page 1, line 27.

Insert: "Section 4. Section 20-9-343, MCA, is amended to read:

"20-9-343. Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means the account in the state special revenue fund that receives revenue as required in this section plus any legislative appropriation of money from other sources for:

(a) distribution to the public schools for the purposes of payment of systems development and other related costs resulting from the enactment of legislation that requires changes to the automated system used to administer the BASE funding program, guaranteed tax base aid, BASE aid, state reimbursement for school facilities, ~~and~~ matching funds for the systemic initiative for Montana mathematics and science grant, and grants for school technology purchases;

(b) negotiated payments authorized under 20-7-420(3) up to \$500,000 per biennium; and

(c) the Montana educational telecommunications network as provided in 20-32-101.

(2) The superintendent of public instruction may spend funds appropriated from the state equalization aid account as required for the purposes of systems development and other related costs resulting from the enactment of legislation that requires changes to the automated system used to administer the BASE funding program, guaranteed tax base aid, BASE aid for the BASE funding program, state reimbursement for school facilities, negotiated payments authorized under 20-7-420(3), ~~and the Montana educational telecommunications network, throughout the biennium, and for the biennium beginning July 1, 1993,~~ equipment purchases that qualify as the state



HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

match for the systemic initiative for Montana mathematics and science grant, and school technology purchases, throughout the biennium.

(3) The following must be paid into the state equalization aid account for the public schools of the state:

- (a) money allocated to state equalization from the collection of the severance tax on coal;
- (b) money received from the treasurer of the United States as the state's shares of oil, gas, and other mineral royalties under the federal Mineral Lands Leasing Act, as amended;
- (c)(i) subject to subsection (3)(c)(ii), interest and income money described in 20-9-341 and 20-9-342;
- (ii) an amount of money equal to 90% of the income money attributable to the difference between the 1994 timber harvest from state lands and the sustainable yield provided in [section 2(2)] may be appropriated for purposes of [section 5];

(d) money received from the state equalization aid levy under 20-9-360;

(e) income from the lottery, as provided in 23-7-402;

(f) the surplus revenues collected by the counties for BASE funding program support according to 20-9-331 and 20-9-333; and

(g) investment income earned by investing money in the state equalization aid account in the state special revenue fund.

(4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.

(5) Any surplus revenue in the state equalization aid account at the end of a fiscal year must be transferred to the general fund."

NEW SECTION. Section 5. Technology acquisition fund -- limitations. (1) The trustees of a district may establish a technology acquisition fund for school district expenditures incurred for the purchase, rental, repair, and maintenance of technological equipment, including computers and computer network access.

(2) The trustees of a district shall fund the budget for the technology acquisition fund by transferring money from the district general fund and with the state money received under [section 6].

(3) Whenever the trustees of a district determine that an amount of revenue is required for a technology acquisition fund budget, the trustees shall:

(a) when the trustees establish the fund, adopt a resolution stating the reasons and purpose for financing a technology acquisition fund budget;

(b) adopt a budget for the amount required for the technology acquisition fund that does not exceed 2% of the school district's total general fund budget adopted for the ensuing school fiscal year; and

(c) report the technology acquisition fund budget to the county superintendent on the regular budget form prescribed by the superintendent of public instruction in accordance with 20-9-103.

(4) The trustees of a district may not use revenue in the technology acquisition fund to finance contributions to the teachers' retirement system, the public employees' retirement system, or the federal social security system or for unemployment compensation insurance.

NEW SECTION. Section 6. School technology purchases. The superintendent of public instruction shall allocate the amount appropriated for grants for school technology purchases to each district based on the ratio that each district's BASE budget bears to the statewide BASE budget amount for all school districts multiplied by the amount of money provided in 20-9-343(3)(c)(ii) in the current school year."

Renumber: subsequent section

3. Page 1, line 28.

Strike: "instruction"

Insert: "instructions"

Following: "."

Insert: "(1)"

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

4. Page 2, line 1.

Following: page 1, line 30

Insert: "(2) [Sections 5 and 6] are intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [sections 5 and 6].

NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 1995."

And, as amended, do pass. Report adopted.

**HB 228**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: the first "ARTICLE" through the second "AND"

2. Title, line 7.

Strike: "SECTIONS 4 AND"

Insert: "SECTION"

3. Title, line 8.

Following: the first "EDUCATION"

Strike: ", "

Insert: "AND"

Following: the second "EDUCATION"

Strike: remainder of line 8

4. Title, lines 9 through 11.

Following: second "EDUCATION" on line 9

Strike: "ADVISORY"

Following: "COMMISSION;" on line 9

Strike: remainder of 9 line through "COMMISSIONERS;" on line 11

5. Title, line 11.

Following: "COMMISSIONERS;"

Insert: "PROVIDING TRANSITIONAL INSTRUCTIONS;"

Following: "PROVIDING"

Strike: "A DELAYED"

Insert: "AN IMMEDIATE"

Following: first "DATE"

Strike: "AND AN APPLICABILITY DATE"

6. Page 1, line 15 through page 4, line 9.

Strike: sections 1 through 8 in their entirety

Renumber: subsequent sections

7. Page 4, line 12.

Following: "education"

Strike: "advisory"

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

8. Page 4, line 18.

Following: "education"

Strike: "advisory"

Following: "appointed"

Insert: "by the governor and confirmed by the senate"

9. Page 4, lines 19 and 20.

Following: "staggered" on line 19

Strike: "7-year"

Following: "terms" on line 19

Strike: "by the governor"

Insert: ", as provided by law"

Following: "shall" on line 19

Strike: remainder of line 19 through "education" on line 20

Insert: "have duties assigned by law"

10. Page 5, line 10.

Strike: "-- applicability"

11. Page 5, lines 11 and 12.

Following: "approval" on line 11

Strike: remainder of line 11 through "2001" on line 12

12. Page 5, line 13.

Insert: "NEW SECTION. Section 3. Transition. Upon passage and approval, the governor may create a department of education as provided in Article X, section 9(1). The department may exercise statutorily assigned duties. The state board of education and the board of public education shall continue to perform duties that were constitutionally assigned until January 1, 2001. The terms of office and appointments to these boards remain in effect until January 1, 2001."

Renumber: subsequent section

13. Page 5, lines 17 and 18.

Following: "boards of education" on line 17

Strike: ", "

Insert: "and"

Following: the second "education" on line 17

Strike: remainder of line 17 through "instruction" on line 18

14. Page 5, line 18.

Strike: "advisory"

15. Page 5, lines 19 and 20.

Following: "boards of education" on line 19

Strike: ", "

Insert: "and"

Following: the second "education" on line 19

Strike: remainder of line 19 through "instruction" on line 20

Strike: "advisory" on line 20



HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

And, as amended, do pass. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):  
HB 134, introduced bill, do pass. Report adopted.

2/8/95

JUDICIARY (Clark, Chairman):  
HB 64, introduced bill, be amended as follows:

2/6/95

1. Title, lines 4 and 5.

Following: second "ACT"

Strike: the remainder of line 4 through "OF" on line 5

Insert: "REVISING THE QUALIFICATIONS FOR"

Following: "POLICE"

Strike: "OFFICER"

Insert: "OFFICERS"

2. Page 1, lines 11 through 13.

Following: "officers." on line 11

Strike: the remainder of line 11 through "service." on line 13

3. Page 1, line 15.

Strike: "."

4. Page 1, line 16.

Strike: "(1)"

Following: first "age"

Strike: "or more than 35 years of age"

5. Page 1, lines 17 and 18.

Strike: "except:" on line 17 through "1973" on line 18

6. Page 1, lines 18 and 19.

Strike: "1" on line 18 through "discharged" on line 19

7. Page 1, lines 19 and 20.

Strike: "person who served" on line 19 through "war" on line 20

8. Page 1, lines 20 and 21.

Strike: "1 or" on line 20 through "(c)" on line 21

9. Page 1, line 21.

Strike: "an" through "1"

10. Page 1, line 22.

Strike: "(2)"

Strike: "1"

Insert: " ,"

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

11. Page 1, line 23.

Strike: "(3)"

And, as amended, do pass. Report adopted.

**HB 65**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Strike: "DISCONTINUING" on line 7 through "DISABILITIES;" on  
line 8

2. Title, lines 9 and 10.

Strike: "53-1-202," on line 9 through "53-1-402," on line 10

3. Title, line 12.

Following: "53-20-146,"

Insert: "AND"

Following: "53-20-161,"

Strike: "AND 53-20-501,"

Following: "53-20-105"

Strike: ", "

Insert: "AND"

4. Title, lines 13 and 14.

Strike: "AND 53-20-502," on line 13

Following: "PROVIDING" on line 13

Insert: "AN IMMEDIATE"

Strike: "DATES" on line 14

Insert: "DATE"

5. Page 1, line 18 through page 3, line 2.

Strike: Sections 1 and 2 in their entirety

Renumber: subsequent sections

6. Page 7, line 1 through page 14, line 23.

Strike: Sections 4 and 5 in their entirety

Renumber: subsequent sections

7. Page 30, lines 13 through 17.

Strike: Section 24 in its entirety

8. Page 30, line 19.

Following: "53-20-105"

Strike: ", "

Insert: "and"

Strike: "53-20-502,"

9. Page 30, line 28.

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

Strike: "dates"

Insert: "date"

Strike: "(1) [Sections 3, 6 through 23, 25, 26,"

Insert: "[Sections 1 through 21"

10. Page 30, line 30 through page 31, line 1.

Strike: subsections (2) and (3) in their entirety

And, as amended, do pass. Report adopted.

**HJR 14**, introduced bill, do pass. Report adopted.

LOCAL GOVERNMENT (Boharski, Chairman):

2/8/95

**SB 52**, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/8/95

**HB 404**, introduced bill, do pass. Report adopted.

**SB 24**, be concurred in. Report adopted.

STATE/FEDERAL RELATIONS (Curtiss, Chairman):

2/8/95

**HJR 15**, introduced bill, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House:

2/8/95

**HB 25**, introduced by Peck

Senate bill passed and transmitted to the House for concurrence:

2/8/95

**SJR 8**, introduced by Emerson

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer

February 7, 1995

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 30 sponsored by Representative Harper on February 7, 1995.

Sincerely,

MARC RACICOT

Governor



HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 464**, introduced by Harper, referred to Committee on Fish & Game.  
**HB 465**, introduced by Ryan, referred to Committee on Taxation.  
**HB 466**, introduced by T. Nelson, referred to Committee on Select Health Care.  
**HB 467**, introduced by Green, referred to Committee on State Administration.  
**HB 468**, introduced by Simon, referred to Committee on Human Services & Aging.  
**HB 469**, introduced by Kitzenberg, referred to Committee on Taxation.  
**HB 470**, introduced by Kitzenberg, referred to Committee on Taxation.  
**HB 471**, introduced by Simpkins, referred to Committee on Appropriations.  
**HB 472**, introduced by Knox, referred to Committee on Natural Resources.  
**HB 473**, introduced by Knox, referred to Committee on Natural Resources.  
**HB 474**, introduced by Cobb, referred to Committee on Judiciary.  
**HB 475**, introduced by Forbes, referred to Committee on Business & Labor.  
**HB 476**, introduced by Stovall, referred to Committee on State Administration.  
**HB 477**, introduced by Schwinden, referred to Committee on Business & Labor.  
**HB 478**, introduced by Story, referred to Committee on Natural Resources.  
**HB 479**, introduced by Arnott, referred to Committee on Education & Cultural Resources.  
**HB 480**, introduced by Arnott, referred to Committee on Education & Cultural Resources.  
**HB 481**, introduced by Kottel, referred to Committee on Human Services & Aging.  
**HB 482**, introduced by Grimes, referred to Committee on Judiciary.  
**HB 483**, introduced by Ellis, referred to Committee on Natural Resources.  
**HB 484**, introduced by DeBruycker, referred to Committee on Human Services & Aging.  
**HB 485**, introduced by Bergsagel, referred to Committee on Education & Cultural Resources.  
**HB 486**, introduced by Jore, referred to Committee on Fish & Game.  
**HJR 21**, introduced by Schwinden, referred to Committee on Education & Cultural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKee in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 11** - Representative Tuss moved HJR 11 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor,

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Rehbein.  
Total 1

**HB 195** - Representative Swanson moved HB 195, second reading copy, be amended as follows (amendment #1):

1. Page 12, line 9.

Insert: "NEW SECTION. Section 15. Coordination instruction. If Senate Bill No. 211 is passed and approved and if it includes a section repealing 70-16-302, then the reference to 70-16-302(1) in [sections 2(5) and 3(8) of this act] is changed to "[sections 1 through 4] of Senate Bill No. 211"."

Renumber: subsequent sections

2. Page 12, line 12.

Strike: "16"

Insert: "17"

3. Page 12, line 13.

Strike: "14"

Insert: "15"

4. Page 12, line 16.

Strike: "16"

Insert: "17"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Feland, Grinde, S. Smith, Wagner.  
Total 4

Excused: None.

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

Total 0

Absent or not voting: McCulloch, Wyatt.

Total 2

Representative Swanson moved HB 195, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook.

Total 80

Noes: Boharski, Brainard, Curtiss, DeBruycker, Feland, Forbes, Green, Grimes, Grinde, Jore, Kasten, Keenan, McGee, Murdock, Nelson, Peck, S. Smith.

Total 17

Excused: None.

Total 0

Absent or not voting: R. Johnson, Martinez, Mr. Speaker.

Total 3

**HB 196** - Representative Swanson moved HB 196 do pass.

Representative Molnar moved HB 196, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Arnott, Barnett, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Fisher, Forbes, Green, Grimes, Grinde, H.S. Hanson, Hayne, Herron, Holland, Jore, Kasten, Martinez, McCann, Mills, Molnar, Nelson, Peck, Rehbein, Rose, Simpkins, S. Smith, Soft, Squires, Story, Stovall, Tash, Vick, Wiseman, Zook, Mr. Speaker.

Total 41

Noes: Ahner, Anderson, Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fuchs, Galvin, Grady, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Somerville, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wyatt.

Total 56

Excused: None.

Total 0

Absent or not voting: Clark, R. Johnson, Keenan.



HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

Total 3

Representative Molnar moved HB 196, second reading copy, be amended (amendment #2). Amendment #2 failed as follows:

Ayes: Boharski, Brainard, Clark, DeBruycker, Feland, Forbes, Fuchs, Green, H.S. Hanson, Herron, Jore, Mills, Molnar, Nelson, Peck, S. Smith, Stovall, Vick, Wells.

Total 19

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Excused: None.

Total 0

Absent or not voting: Bergman, R. Johnson, Keenan.

Total 3

Representative Molnar moved HB 196, second reading copy, be amended as follows (amendment #3):

1. Page 2, line 28.

Following: "kill,"

Insert: "or"

2. Page 2, line 28.

Following: "pursue,"

Strike: ",or"

3. Page 2, line 29.

Strike: "retrieve"

4. Page 2, line 29.

Strike: "varmint, predator, or"

Amendment #3 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

Total 83

Noes: Barnhart, Cocchiarella, DeBruycker, Elliott, Galvin, Kadas, Larson, McCulloch, Pavlovich, Ream, Schwinden, Sliter, S. Smith, Squires, Wyatt.

Total 15

Excused: None.

Total 0

Absent or not voting: R. Johnson, Keenan.

Total 2

HB 196, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ewer, Fuchs, Galvin, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Orr, Pavlovich, Raney, Ream, Ryan, Schwinden, Shea, Sliter, Somerville, Squires, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt.

Total 55

Noes: Arnott, Barnett, Bergsagel, Boharski, Bohlinger, Brainard, Clark, DeBruycker, Denny, Ellis, Feland, Fisher, Forbes, Grady, Green, Grimes, Grinde, H.S. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Martinez, McCann, McGee, Nelson, Ohs, Peck, Quilici, Rehbein, Rose, Simon, Simpkins, L. Smith, S. Smith, Soft, Story, Stovall, Tash, Vick, Zook, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McKee moved that the Committee of the Whole report be adopted. Report adopted. (84-14)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 142** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann,

HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

McCulloch, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Anderson, Boharski, Brainard, Curtiss, DeBruycker, Jore, Kottel, McGee, Orr, Rehbein, Sliter, S. Smith, Story, Vick, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: Grinde, McKee.

Total 2

**HB 248** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergman, Boharski, Denny, R. Johnson.

Total 4

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 287** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91



HOUSE JOURNAL  
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 8, 1995

Noes: Boharski, DeBruycker, Fuchs, Jore, McGee, S. Smith, Wagner.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Feland, Story.  
Total 2

**MOTIONS**

Representative Grinde moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried. (81-17)

**HB 192** - Representative Harper moved HB 192 be taken from second reading and rereferred to the Committee on Highways & Transportation. Motion carried.

**HB 65** - Representative Grinde moved HB 65 be taken from the Committee on Judiciary and rereferred to the Committee on Appropriations. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following sponsor was added to HB 416: Senator Stang.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, February 9, 1995. Motion carried.

House adjourned at 3:15 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 9, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Karl Ohs. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative M. Hanson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

2/9/95

Correctly printed for second reading: HB 65, HB 101, HB 154, HB 165, HB 166, HB 220, HB 278, HB 386, HB 393, HB 409, HB 414, HB 381, HB 392, HJR 19.

Correctly engrossed for third reading: HB 195, HB 196, HJR 11.

Correctly enrolled: HB 10, HB 12, HB 118, HB 193.

Examined by the sponsor and found to be correct: HB 10, HB 12, HB 118, HB 193.

Signed by the Speaker at 7:30 p.m., 2/8/95: HB 25.

**AGRICULTURE, LIVESTOCK & IRRIGATION** (Barnett, Chairman):

2/8/95

**HB 278**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "EXTENDING"

Insert: "ELIMINATING"

2. Title, line 5.

Strike: "AMENDING"

Insert: "REPEALING"

3. Page 1, lines 10 through 15.

Strike: sections 1 and 2 in their entirety

4. Page 1.

Following: line 15

Insert: "Section 1. Repealer. Section 7, Chapter 516, Laws of 1987, and section 8, Chapter 530, Laws of 1991, are repealed."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 386**, introduced bill, be amended as follows:

1. Page 2, line 22.

Strike: "or outside"

2. Page 2, line 30.

Strike: "who is a resident of the state"



HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 9, 1995

And, as amended, do pass. Report adopted.

**SB 44**, be amended as follows:

1. Page 3.

Following: line 19

Insert: "(3) Prior to the imposition of the penalty provided for in subsection (1) or (2), the owner of the livestock shall file a complaint with the department. The department shall conduct an investigation to determine the circumstances under which the livestock were moved."

And, as amended, be concurred in. Report adopted.

**BUSINESS & LABOR** (Simon, Chairman):

2/8/95

**HB 409**, introduced bill, do pass. Report adopted.

**HB 414**, introduced bill, be amended as follows:

1. Page 3, line 2.

Following: "~~director~~"

Strike: "president"

Insert: "executive director"

2. Page 4, line 13.

Following: "committee"

Insert: ", or by the refusal of a party to be bound by the committee's advisory decision"

3. Page 4, line 15.

Following: "the"

Strike: "written advisory decision is mailed"

Insert: "expiration of the 30 day notice deadline specified in subsection (2)(a)"

And, as amended, do pass. Report adopted.

**FISH & GAME** (Wagner, Chairman):

2/8/95

**SJR 5**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Boharski, Chairman):

2/8/95

**HB 101**, introduced bill, do pass. Report adopted.

**HB 154**, introduced bill, do pass. Report adopted.

**HB 165**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "OFFICES"

Insert: "BY RESOLUTION AFTER A PUBLIC HEARING AND WITH THE CONSENT OF ANY AFFECTED ELECTED COUNTY OFFICER"

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 9, 1995

2. Page 1, line 17.

Following: "body"

Insert: "by resolution after a public hearing and only if consented to by the presiding officer"

3. Page 1, line 26.

Following: "body"

Insert: "by resolution after a public hearing and only if consented to by any affected elected county officer"

4. Page 2, line 10.

Following: "body"

Insert: "by resolution after a public hearing and only if consented to by any affected elected county officer,"

5. Page 3, line 20.

Following: "body"

Insert: "by resolution after a public hearing"

6. Page 4, lines 7 and 25.

Following: "body"

Insert: "by resolution after a public hearing"

7. Page 5, line 3.

Following: "body"

Insert: "by resolution after a public hearing and consented to by the county superintendent,"

And, as amended, do pass. Report adopted.

**HB 166**, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "enforcement."

Insert: "However, an appointed board of trustees of a fire service area shall obtain approval of the county commissioners prior to submitting a fire code and a plan of enforcement to the department of justice."

And, as amended, do pass. Report adopted.

**HB 220**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "THE"

Insert: "PROCEDURE FOR ASSESSMENTS AND THE"

2. Page 2, line 15.

Insert: "(4) The method of assessment adopted in the resolution may not be modified unless approved by the owners of a majority of the property within the district"

3. Page 2, line 29.

Insert: "(3) The method of assessment adopted in the resolution may not be modified unless approved by the owners of a majority of the property within the district"

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 9, 1995

And, as amended, do pass. Report adopted.

**HB 393**, introduced bill, do pass. Report adopted.

**SB 99**, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman): 2/9/95  
**HB 381**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 2/9/95  
**HB 392**, introduced bill, do pass. Report adopted.

**HJR 19**, introduced bill, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 2/9/95

**HB 10**, introduced by McCann  
**HB 12**, introduced by Quilici  
**HB 118**, introduced by Devaney  
**HB 193**, introduced by Larson

House amendments to Senate bill concurred in:

**SB 29**, introduced by Bartlett

Senate bill passed and transmitted to the House for concurrence:

**SB 19**, introduced by Gage 2/9/95

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer February 8, 1995  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 36 sponsored by Representative Shea on February 8, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer February 8, 1995



HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 9, 1995

Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 43 sponsored by Representative Tash on February 8, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 8, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 44 sponsored by Representative Quilici on February 8, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 8, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 49 sponsored by Representative Kadas on February 8, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 8, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 51 sponsored by Representative John Johnson on February 8,

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 9, 1995

1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 8, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 67 sponsored by Representative Royal Johnson on February 8, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

- HB 487**, introduced by Hurdle, referred to Committee on Business & Labor.
- HB 488**, introduced by Tuss, referred to Committee on Business & Labor.
- HB 489**, introduced by Grady, referred to Committee on Natural Resources.
- HB 490**, introduced by Squires, referred to Committee on Business & Labor.
- HB 491**, introduced by Brainard, referred to Committee on Local Government.
- HB 492**, introduced by Nelson, referred to Committee on Human Services & Aging.
- HB 493**, introduced by Ewer, referred to Committee on Appropriations.
- HB 494**, introduced by Clark, referred to Committee on State Administration.
- HB 495**, introduced by R. Johnson, referred to Committee on Business & Labor.
- HB 496**, introduced by Bohlinger, referred to Committee on Taxation.
- HB 497**, introduced by Bohlinger, referred to Committee on Judiciary.
- HB 498**, introduced by Cocchiarella, referred to Committee on Business & Labor.
- HB 499**, introduced by Cocchiarella, referred to Committee on Business & Labor.
- HB 500**, introduced by Grimes, referred to Committee on Appropriations.
- HB 501**, introduced by Anderson, referred to Committee on Judiciary.
- HB 502**, introduced by Cocchiarella, referred to Committee on Business & Labor.
- HB 503**, introduced by Hibbard, referred to Committee on Appropriations.
- HB 504**, introduced by Cobb, referred to Committee on Human Services & Aging.
- HB 505**, introduced by Cobb, referred to Committee on Judiciary.
- HB 506**, introduced by T. Nelson, referred to Committee on Taxation.
- HB 507**, introduced by Elliott, referred to Committee on Business & Labor.

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 9, 1995

**HB 508**, introduced by Hurdle, referred to Committee on Natural Resources.

**HB 509**, introduced by Anderson, referred to Committee on Human Services & Aging.

Representative Grinde moved the House recess until 2:00 p.m. Motion carried.

House recessed at 1:10 p.m.

House reconvened at 2:00 p.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative S. Hanson moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Molnar in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative M. Hanson present at this time.

**SB 52** - Representative Keenan moved SB 52 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Arnott, Barnhart, Carey, Ellingson, Ewer, Galvin, Harper, Hurdle, Kadas, Keenan, Raney, Somerville, Swanson, Wyatt.

Total 14

Excused: None.

Total 0

Absent or not voting: Ahner, Cocchiarella, Molnar, Schwinden.

Total 4

**HB 64** - Representative Ewer moved HB 64 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo,



HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 9, 1995

McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Brainard, Fuchs, Grinde, Heavy Runner, Rehbein, Wennemar.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Feland, Jore, Larson, Pavlovich, Sliter, L. Smith, Vick.  
Total 7

**HB 134** - Representative Kadas moved HB 134, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.

Strike: "PROVIDE"

Insert: "ALLOW"

Strike: "FOR"

2. Title, line 7.

Strike: "DAY CARE AND FAMILY DAY CARE"

Insert: "DAY-CARE HOMES AND FAMILY DAY-CARE HOMES"

Following: ";

Insert: "ALLOWING AN OPERATOR OF A DAY-CARE CENTER, GROUP DAY-CARE HOME, OR FAMILY DAY-CARE HOME TO EXCLUDE A CHILD WHO HAS NOT BEEN IMMUNIZED; REQUIRING NOTIFICATION OF THE ADMITTANCE OF A CHILD WHO HAS NOT BEEN IMMUNIZED;"

3. Page 1, line 13.

Strike: "facilities"

Insert: "centers"

4. Page 1, line 20.

Strike: "facility"

Insert: "center, group day-care home, or family day-care home"

5. Page 1, line 21.

Following: line 20

Insert: "(2) This section does not prevent an operator of a day-care center, group day-care home, or family day-care home from excluding a child from attendance because the child has not been immunized. If requested by parents or guardians of other children attending the day-care center, group day-care home, or family day-care home, the operator shall notify the parents or guardians that a child for whom an exemption from immunization is claimed is admitted to or attending the day-care center, group day-care home, or family day-care home. The notice may not include the name of the child who has not been immunized or any other information that may identify the child."

Renumber: subsequent subsections

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 9, 1995

6. Page 1, line 27.

Strike: "(2) or (3)"

Insert: "(3) or (4)"

Amendment #1 passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wiseman, Wyatt, Mr. Speaker.

Total 76

Noes: Ahner, Bergman, Carey, Curtiss, Denny, Forbes, Fuchs, Hayne, Heavy Runner, Jore, Keenan, Kottel, Martinez, Molnar, Orr, Rehbein, S. Smith, Vick, Wagner, Wennemar, Zook.

Total 21

Excused: None.

Total 0

Absent or not voting: Clark, Feland, L. Smith.

Total 3

Representative Kadas moved HB 134, as amended, do pass. Motion failed as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Green, Grimes, Heavy Runner, Holland, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Martinez, Masolo, McGee, Molnar, Ohs, Peck, Ream, Schwinden, Simpkins, Soft, Story, Vick, Wells, Wiseman.

Total 37

Noes: Anderson, Barnhart, Bohlinger, Brainard, Carey, Clark, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Hurdle, J. Johnson, Kitzenberg, Larson, Marshall, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Sliter, L. Smith, S. Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 63

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Molnar moved that the Committee of the Whole report be adopted. Report adopted. (87-10)

HOUSE JOURNAL  
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 9, 1995

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, February 10, 1995. Motion carried.

House adjourned at 3:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 10, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Rick Jore. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Ellis, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-second, thirty-third and thirty-fourth legislative days, find the same to be correct.

Hayne, Chairman

Mr. Speaker introduced this week's pages:

Kylene Moss, Kalispell  
Jeremy Hooker, Great Falls  
Ashley Mercer, Yakima, Washington  
Madalena Moreau, Libby  
Jen Orr, Libby  
Rachael Armstrong, Billings  
Nikki Hinebauch, Rosebud  
Jess Fulkerson, Plentywood  
Nathan Ellingson, Missoula  
John Powers, Polson (permanent page)  
Brian Williams, Butte (permanent page)

Honorary Pages

Nicole Jore, Ronan  
Jesse Gilge, Chinook  
Ilene Morgan, Missoula  
Jennifer Bock, Helena  
Ralynn Scammon, St. Ignatius

Speaker Mercer recongized Legislative Council Director Bob Person's birthday, and the following speech was read:

**REFLECTIONS ON BOB PERSON'S 50TH BIRTHDAY**

February 10, 1995

Today we celebrate the 50th birthday of Bob Person, the Director of the Legislative Council. Bob has always been "baby-faced," so it's hard to believe he's half a century old. With the retirement of many of our longest serving legislators this last year, Bob is fast becoming the institutional memory of the Montana Legislature, serving on its staff for 22 years.

Bob Person grew up in Kalispell and Missoula, graduated from the University of Montana with a degree in botany and a love of science that are still demonstrated in the precision with which he addresses problems. After a stint as an officer in the U. S. Army in Germany, where he developed his legendary love of malt beverages, he and his wife Toni moved to Helena, living in a tent until they managed to scrape together the money for an historic and ramshackle home on the south side of Helena, which over the years they have restored to its original

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

graciousness and warmth.

Bob began work at the Legislative Council at an exciting time--just after the massive executive reorganization that took place in 1972 and after adoption of the "new" constitution. Bob was assigned the task of working with the legislature on implementation of the constitution and fitting the new agency organizational structure to its mandates. Then, as now, the legislature faced the daunting task of reinventing government, and Bob helped give that process organization. He assisted legislators who still stand out as giants--Sen. Bill Mathers of Miles City, Senator Jean Turnage, Rep. Francis Bardanouve, Rep. Bob Marks, to name a few.

Bob's twenty-two years with the legislative staff have been characterized by his dedication, his thoroughness and intelligence, his compassion as a human being, and his understated good humor. His accomplishments with helping to bring the legislature into the cyberspace age, the challenges of doing more with less, and responding with grace and knowledge to the most obscure request, are what we celebrate today. We also celebrate his role as a husband and father, active member of the Helena community, and friend to many.

**HAPPY BIRTHDAY, BOB!**

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 2/10/95  
Correctly printed for second reading: HB 55, HB 62, HB 74, HB 89, HB 122, HB 188, HB 217, HB 245, HB 253, HB 280, HB 296, HB 301, HB 318, HB 335, HB 343, HB 347, HB 368, HB 375, HB 384, HB 387, HB 415, HB 352, HJR 16, HJR, 17.

Correctly engrossed for third reading: HB 64.

Signed by the Speaker at 8:00 a.m., 2/10/95: HB 10, HB 12, HB 118, HB 193.

Delivered to the Governor for his approval at 9:00 a.m., 2/10/95: HB 25.

AGRICULTURE, LIVESTOCK & IRRIGATION (Barnett, Chairman): 2/9/95  
**HB 280**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "ACT"

Insert: "GENERALLY REVISING THE LAWS RELATING TO MILK CONTROL;"

2. Title, line 5.

Following: "LIVESTOCK;"

Insert: "TRANSFERRING THE RESPONSIBILITIES FOR MILK CONTROL FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF LIVESTOCK;"

3. Title, line 5.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "2-15-1802,"

Insert: "81-23-101, 81-23-103, 81-23-105, 81-23-202, 81-23-203, 81-23-302, and 81-23-406,"

4. Page 1.

Following: line 6

Insert: "STATEMENT OF INTENT"

It is the intent of the legislature that the rules promulgated by the department of commerce regarding the control of milk prices will be continued and enforced by the department of livestock. In addition to the current rules, the department of livestock is directed to look at the adoption of rules that would:

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

- (1) lower the wholesale price of milk a sufficient amount to eliminate the need to sell Montana milk outside of Montana in order to be competitive;
- (2) encourage the use of Montana milk by Montana processors; and
- (3) establish a lower pricing structure for milk used in institutions, such as schools."

5. Page 1.

Following: line 20

Insert: "Section 2. Section 81-23-101, MCA, is amended to read:

"81-23-101. Definitions. (1) Unless the context requires otherwise, in this chapter, the following definitions apply:

- (a) "Board" means the board of milk control provided for in 2-15-1802.
- (b) "Class I milk" includes all bottled or packaged milk, low fat, buttermilk, chocolate milk, whipping cream, commercial cream, half-and-half, skim milk, fortified skim milk, skim milk flavored drinks, and any other fluid milk not specifically classified in this chapter, whether raw, pasteurized, homogenized, sterile, or aseptic.
- (c) "Class II milk" includes milk used in the manufacture of ice cream and ice cream mix, ice milk, sherbet, eggnog, cultured sour cream, cottage cheese, condensed milk, and powdered skim for human consumption.
- (d) "Class III milk" includes milk used in the manufacture of butter, cheddar cheese, process cheese, livestock feed, powdered skim other than for human consumption, and skim milk dumped.
- (e) "Consumer" means a person or an agency, other than a dealer, who purchases milk for consumption or use.
- (f) "Dealer" means a producer, distributor, producer-distributor, jobber, or independent contractor.
- (g) ~~"Department" means the department of commerce provided for in Title 2, chapter 15, part 18.~~
- (~~h~~) "Distributor" means a person purchasing milk from any source, either in bulk or in packages, and distributing it for consumption in this state. The term includes what are commonly known as jobbers and independent contractors. The term, however, excludes a person purchasing milk from a dealer licensed under this chapter, for resale over the counter at retail or for consumption on the premises.
- (~~h~~) "Jobber prices" means those prices at which milk owned by a distributor is sold, in bulk or in packages, to a jobber or independent contractor.
- (~~h~~) "Licensee" means a person who holds a license from the department.
- (~~k~~) "Market" means an area of the state designated by the department as a natural marketing area.
- (~~h~~) "Milk" means the lacteal secretion of a dairy animal or animals, including those secretions when raw and when cooled, pasteurized, standardized, homogenized, recombined, concentrated fresh, or otherwise processed and all of which is designated as grade A by a duly constituted health authority and also includes those secretions which are in any manner rendered sterile or aseptic, notwithstanding whether they are regulated by any health authority of this or any other state or nation.
- (~~m~~) "Person" means an individual, firm, corporation, or cooperative association or the dairy operated by the department of corrections and human services at the Montana state prison.
- (~~n~~) "Producer" means a person who produces milk for consumption in this state, selling it to a distributor.
- (~~o~~) "Producer prices" means those prices at which milk owned by a producer is sold in bulk to a distributor.
- (~~p~~) "Producer-distributor" means a person both producing and distributing milk for consumption in this state.
- (~~q~~) "Retail prices" means those prices at which milk owned by a retailer is sold, in bulk or in packages, over the counter at retail or for consumption on the premises.
- (~~r~~) "Retailer" means a person selling milk in bulk or in packages over the counter at retail or for consumption on the premises and includes but is not limited to retail stores of all types, restaurants, boardinghouses, fraternities, sororities, confectioneries, public and private schools, including colleges and universities, and both



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

public and private institutions and instrumentalities of all types and description.

(s)(r) "Wholesale prices" means those prices at which milk owned by a distributor is sold, in bulk or in packages, to a retailer.

(2) The department may assign new milk products, not expressly included in one of the classes defined in this section, to the class which in its discretion it determines to be proper."

Section 3. Section 81-23-103, MCA, is amended to read:

"81-23-103. General powers of the department. (1) The department shall supervise, regulate, and control the milk industry of this state, including the production, processing, storage, distribution, and sale of milk sold for consumption in this state. Nothing in this chapter abrogates or affects the status, force, or operation of any provision of public health laws ~~or the law under which the department of livestock is constituted together with the department of livestock rules~~, county board of health rules, or municipal ordinances for the promotion or protection of the public health. The department may cooperate with the department of health and environmental sciences, ~~the board of livestock~~, any a county or city board of health, or the department of agriculture in enforcing this chapter.

(2) The department shall investigate all matters pertaining to the production, processing, storage, distribution, and sale of milk in this state and conduct hearings upon any subject pertinent to the administration of this chapter. The department may subpoena milk dealers, their records, books, and accounts, and any other person from whom information may be desired or considered necessary to carry out the purposes and intent of this chapter and may take depositions of witnesses who are sick or absent from the state or who cannot otherwise appear in person before the department at its offices. The department shall give at least 10 days' notice to the proposed witness."

Section 4. Section 81-23-105, MCA, is amended to read:

"81-23-105. Testing of milk. (1) For the purpose of determining the value of milk supplied by producers during routine audits of milk processing plants ~~which~~ that receive raw milk directly from producers, the department ~~of commerce~~ may establish a program of testing ~~such~~ raw milk.

(2) The department ~~of commerce~~ may levy an assessment on licensed producers to secure the necessary funds to administer this program. This assessment is in addition to those provided in 81-23-202.

(3) All personnel employed in the sampling and testing program ~~shall~~ must be licensed by the animal health division of the department ~~of livestock~~.

(4) The department ~~of commerce~~ may conduct all types of sampling, grading, and testing techniques ~~which~~ it that the department considers necessary to carry out the intent of this section."

Section 5. Section 81-23-202, MCA, is amended to read:

"81-23-202. Licenses -- disposition of income. (1) A producer, producer-distributor, distributor, or jobber may not engage in the business of producing or selling milk subject to this chapter in this state without first having obtained a license from the department ~~of livestock~~, as provided in 81-22-202, or, in the case of milk entering this state from another state or foreign nation, without complying with the requirements of the Montana Food, Drug, and Cosmetic Act and without being licensed under this chapter by the department. The annual fee for the license from the department is \$2 and is due before July 1 and must be deposited by the department to the credit of the general fund. The license required by this chapter is in addition to any other license required by state law or any municipality of this state. This chapter applies to every part of the state of Montana.

(2) In addition to the annual license fee, the department shall, in each year, before April 1, for the purpose of securing funds to administer and enforce this chapter, levy an assessment upon producers, producer-distributors, and distributors as follows:

(a) a fee per hundredweight on the total volume of all milk subject to this chapter produced and sold by a producer-distributor;

(b) a fee per hundredweight on the total volume of all milk subject to this chapter sold by a producer;

(c) a fee per hundredweight on the total volume of all milk subject to this chapter sold by a distributor,

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

excepting that which is sold to another distributor.

(3) The department shall adopt rules fixing the amount of each fee. The amounts may not exceed levels sufficient to provide for the administration of this chapter. The fee assessed on a producer or on a distributor may not be more than one-half the fee assessed on a producer-distributor.

(4) In addition to the fees established in subsections (1) through (3), the department shall assess a fee of 14.97 cents per hundredweight on the volume of class I milk produced and sold by a producer to be used for the administration of the milk inspection and milk diagnostic laboratory functions of the department of livestock. The board shall include this fee in its formulas for fixing by rule the minimum producer, wholesale, jobber, and retail prices for class I milk in 81-23-302.

(5) The assessments upon producer-distributors, producers, and distributors must be paid quarterly before January 15, April 15, July 15, and October 15 of each year. The amount of the assessments must be computed by applying the fee designated by the department and the fee established in subsection (4) to the volume of milk sold in the preceding calendar quarter.

(6) Failure of a producer, producer-distributor, or distributor to pay an assessment when due is a violation of this chapter, and a license under this chapter automatically terminates and is void. A terminated license must be reinstated by the department upon payment of a delinquency fee equal to 30% of the assessment ~~which that~~ was due.

(7) ~~Except for the assessment provided for in subsection (4), all~~ All assessments required by this chapter must be deposited by the department in the state special revenue fund. All costs of administering chapter 22 and this chapter, including the salaries of employees and assistants, per diem and expenses of board members, and all other disbursements necessary to carry out the purpose of chapter 22 and this chapter, must be paid out of the board money in that fund.

(8) ~~The assessment provided for in subsection (4) must be deposited by the department in an account in the state special revenue fund. Money in the account must be used to carry out the purposes of Title 81, chapter 22.~~

(9) The department may, if it finds the costs of administering and enforcing this chapter can be derived from lower rates, amend its rules to fix the rates at a less amount on or before April 1 in any year."

Section 6. Section 81-23-203, MCA, is amended to read:

"81-23-203. Application for licenses. An applicant for license to operate as a producer, producer-distributor, distributor, or jobber shall file a signed application upon a blank prepared ~~under authority of by the department, and an applicant shall state facts concerning his circumstances and the nature of the business to be conducted which in the opinion of the department are necessary for the administration of this chapter~~ containing the information required by the department. The application ~~shall~~ must certify the applicant to be the holder of all licenses required by the department of livestock for the conduct of ~~his~~ the applicant's business or, in the case of milk entering this state from another state or foreign nation, compliance with the requirements of the Montana Food, Drug, and Cosmetic Act. The application ~~shall~~ must be accompanied by the license fee required to be paid."

Section 7. Section 81-23-302, MCA, is amended to read:

"81-23-302. Establishment of minimum prices. (1) The board shall fix minimum producer, wholesale, jobber, and retail prices for class I milk and minimum producer prices only for class II and class III milk by adopting rules in a manner prescribed by the Montana Administrative Procedure Act.

(2) The board shall establish ~~such~~ prices by means of flexible formulas ~~which shall that must~~ be devised so that they bring about ~~such~~ automatic changes in all minimum prices ~~as that~~ are justified on the basis of changes in production, supply, processing, distribution, and retailing costs.

(3) The board shall consider the balance between production and consumption of milk, the costs of production and distribution, and prices in adjacent and neighboring areas and states so that minimum prices ~~which that~~ are fair and equitable to producers, distributors, jobbers, retailers, and consumers may result.

(4) The board shall, when publishing notice of proposed rulemaking under authority of this section, set forth the specific factors ~~which shall that must~~ be taken into consideration in establishing the formulas and in



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

particular in determining costs of production and distribution and of the actual dollars and cents costs of production and distribution ~~which that~~ preliminary studies and investigations of auditors or accountants in its employment indicate will or should be shown at the hearing so that all interested parties will have opportunity to be heard and to question or rebut ~~such the~~ considerations as a matter of record.

(5) ~~Such The~~ specific factors may include but ~~shall are~~ not be limited to the following items:

(a) current and prospective supplies of milk in relation to current and prospective demands for ~~such~~ milk for all purposes;

(b) the ability and willingness of consumers to purchase, which ~~shall must~~ include among other things per capita disposable income statistics, consumer price indexes, and wholesale price indexes;

(c) the cost factors in producing milk, which ~~shall must~~ include among other things the prices paid by farmers generally (as used in parity calculations of the United States department of agriculture), prices paid by farmers for dairy feed in particular, and farm wage rates in this state;

(d) the alternative opportunities, both farm and nonfarm, open to milk producers, which ~~shall must~~ include among other things prices received by farmers for all products other than milk, prices received by farmers for beef cattle, and the percentage of unemployment in the state and nation as determined by appropriate state and federal agencies;

(e) the prices of butter, nonfat dry milk, and cheese;

(f) the cost factors in distributing milk, which ~~shall must~~ include among other things the prices paid by distributors for equipment of all types required to process and market milk and prevailing wage rates in this state;

(g) the cost factors in jobbing milk, which ~~shall must~~ include among other things raw product and ingredient costs, carton or other packaging cost, processing cost, and that part of general administrative costs of the supplying distributor ~~which that~~ may properly be allocated to the handling of milk to the point at which ~~such the~~ milk is at the supplying distributor's dock, equipment of all types required to market milk, and prevailing wage rates in the state;

(h) the need, if any, for freight or transportation charges to be deducted by distributors from producer prices for bulk milk.

(6) If the board at any time proposes to base all or ~~any~~ part of ~~any an~~ official order establishing or revising ~~any~~ milk pricing formulas upon facts within its own knowledge, as distinguished from evidence ~~which that~~ may be presented to it by the consuming public or the milk industry, the board shall, when publishing notice of proposed rulemaking under authority of this section, ~~cause notice to be given to~~ notify the consuming public and the milk industry of the specific facts within its own knowledge ~~which that~~ it will consider, so that all interested parties will have opportunity to be heard and to question or rebut ~~such the~~ facts as a matter of record.

(7) The board, after consideration of the evidence produced, shall make written findings and conclusions and shall fix by official rule the formula whereby minimum:

(a) producer prices for milk in classes I, II, and III ~~shall must~~ be computed;

(b) wholesale prices for milk in class I ~~shall must~~ be computed;

(c) jobber prices for milk in class I ~~shall must~~ be computed;

(d) retail prices for milk in class I ~~shall must~~ be computed.

(8) This section ~~shall may~~ not be construed as requiring the board to promulgate ~~any~~ a specific number of formulas, but ~~it shall must~~ be construed liberally so that the board may adopt ~~any~~ a reasonable method of expression to accomplish the objective set forth in subsection (7). If the evidence presented to the board at ~~any~~ a public hearing for the establishment or revision of milk pricing formulas is found by the board to require the establishment of separate and varying wholesale prices for ~~any~~ particular uses, the board shall designate the reasons ~~therefor~~ for the separate and varying prices and establish ~~such the~~ separate formulas.

(9) Each rule establishing or revising ~~any~~ milk pricing formulas shall classify milk by forms, classes, grades, or uses as the board ~~may deem~~ considers advisable and shall specify the minimum prices ~~therefor~~ for the forms, classes, grades, and uses.

(10) The board shall adopt rules after notice and hearing in the manner prescribed by the Montana Administrative Procedure Act to regulate transportation rates ~~which that~~ distributors, contract haulers, and others



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

charge producers for both farm-to-plant and interplant transportation of milk. ~~No~~ An allowance for transportation of milk between plants may not be permitted unless it is found by the board to be necessary to permit the movement of milk in the public interest.

(11) All milk purchased by a distributor ~~shall~~ must be purchased on a uniform basis. The basis to be used ~~shall~~ must be established by the board after the producers and the distributors have been consulted.

(12) The board may amend ~~any~~ an official rule in the same manner provided ~~herein~~ in this section for the original establishment of milk pricing formulas. The board may in its discretion, when it determines the need exists, give notice of and hold statewide public hearings affecting establishment or revision of milk pricing formulas.

(13) Upon petition of a distributor or a majority of ~~his~~ the distributor's producers, the board shall hold a hearing to receive and consider evidence regarding the advisability and need for a base or quota plan as a method of payment by that distributor of producer prices; and if the board finds that the evidence ~~adduced~~ presented at ~~such~~ the hearing warrants the establishment of a base or quota plan, the board shall proceed by official order to establish the same.

(14) (a) Upon petition by 10% or 20 of the licensed producers in Montana, whichever is less, or upon petition by ~~any~~ a licensed producer-distributor or distributor, the board shall hold a hearing to receive and consider evidence regarding the advisability and need for a statewide pooling arrangement as a method of payment of producer prices, provided that at ~~such~~ the hearing the board shall, among other things, specifically receive and consider evidence concerning production and marketing practices ~~which~~ that have historically prevailed statewide. If the board finds that the evidence ~~adduced~~ presented at ~~such~~ the hearing warrants the establishment of a statewide pooling arrangement, the board shall proceed by official order to establish the same; but ~~such~~ the official order ~~shall~~ be ~~is~~ of no force or effect until it is approved in a referendum conducted by the board by mail and by secret ballot among affected producers, producer-distributors, and distributors. The board shall keep confidential the vote of each producer, producer-distributor, and distributor voting in the referendum. The official order must be approved by a majority of the producers, producer-distributors, and distributors voting, representing more than 50% of the milk produced in Montana that is to be included in the proposed pool, based on each producer's average monthly production for the 12 months immediately preceding the referendum. If the board finds it necessary, the board may conduct more than one referendum on any order.

(b) The order of the board establishing the statewide pooling arrangement may include other provisions as the board considers necessary for the proper and efficient operation of the pool. These provisions may include but are not limited to:

- (i) a statewide base or quota plan contemplated in subsection (13);
- (ii) the establishment of a pool settlement fund to be administered by the department for the purpose of receiving payments from pool distributors or making payments to them as necessary in order to operate and administer the statewide pool; and
- (iii) the establishment of a pool expense fund for the purpose of offsetting the costs to the department of administering the pool, funded by a special levy assessed against each pool producer.

(c) During the initial startup of a statewide pool, the department may draw from existing cash reserves to fund a pool settlement fund and a pool expense fund, but ~~any~~ withdrawals from the cash reserve must be reimbursed.

(d) An order of the board establishing a statewide pooling arrangement that has been approved in a referendum may be rescinded in the same manner as provided for approval of the order under subsection (14)(a). ~~Such~~ The order may be amended without a referendum if, prior to amending the order, the board gives written notice of its intended action and holds a public hearing as required under the Montana Administrative Procedure Act.

(15) The requirements ~~hereinabove set forth~~ of this section concerning notices of hearings for the establishment of milk pricing formulas shall apply to any hearings regarding base or quota plans or statewide pooling arrangements or abandonment ~~thereof~~ of base or quota plans or statewide pooling arrangements.

(16) Rules adopted pursuant to this section ~~shall~~ must be enforced and audited for compliance by ~~the milk control bureau of the department of commerce.~~

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Section 8. Section 81-23-406, MCA, is amended to read:

"81-23-406. Additional remedies. The department may begin any proceeding at law or in equity as may appear necessary to enforce compliance with this chapter or to enforce compliance with an order or rule of the board or department adopted under this chapter or to obtain a judicial interpretation of any of them. In addition to any other remedy, the department may apply to the district court of the district where the action arises for relief by injunction, mandamus, or any other appropriate remedy in equity without being compelled to allege or prove that an adequate remedy at law does not otherwise exist. The department may not be required to post bond in an action to which it is a party whether upon appeal or otherwise. All legal actions may be brought by or against the board or department in the name of the department of ~~commerce~~ livestock, and it is not necessary in an action to which the department is a party that the action be brought by or against this state on relation of the department. The department may sue by its own attorney, and it may also call upon a county attorney to represent it in the district court of ~~his~~ the county attorney's county or the attorney general to represent it on appeal to the supreme court, or it may associate its own attorney with either in ~~any~~ court."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 111, be concurred in. Report adopted.

BUSINESS & LABOR (Simon, Chairman):  
HB 387, introduced bill, be amended as follows:

2/9/95

1. Title, line 5.

Following: "THE INSURED'S"

Strike: "DRIVING RECORD"

Insert: "CLAIMS HISTORY"

Following: "RECORD;"

Insert: "REQUIRING THAT RISK CLASSIFICATIONS AND MODIFICATIONS BE COMMUNICATED IN WRITING AT THE TIME OF APPLICATION;"

2. Page 2, line 14.

Following: "insured's"

Strike: "driving record"

Insert: "claims history"

3. Page 2, line 17.

Following: "conditions"

Insert: "and must be communicated to the applicant in writing at the time of application"

4. Page 4, line 8.

Following: "insured's"

Strike: "driving record"

Insert: "claims history"

And, as amended, do pass. Report adopted.

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman):

2/9/95

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

**HB 352**, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "constitution,"

Insert: "ownership of"

2. Page 1, line 14.

Following: "system"

Insert: "unless full value is received for the transfer"

And, as amended, do pass. Report adopted.

**HB 368**, introduced bill, do pass. Report adopted.

**HB 415**, introduced bill, do pass. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman):

2/8/95

**SB 49**, be concurred in. Report adopted.

**SB 91**, be concurred in. Report adopted.

**SB 104**, be concurred in. Report adopted.

**SB 160**, be concurred in. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):

2/9/95

**HB 245**, introduced bill, do pass. Report adopted.

**HB 301**, introduced bill, be amended as follows:

1. Title, Page 1, line 11.

Following: "SERVICES"

Insert: ", ADULT FOSTER CARE HOMES,"

2. Page 1, line 25.

Following: "foster care"

Insert: "home"

Following: "offers"

Insert: "light"

3. Page 1, line 25.

Following: "(3)"

Insert: "(a)"

4. Page 1, line 26.

Following: "home."

Insert: "(b) As used in this subsection (3), the following definitions apply:

(i) "Aged person" means a person as defined by department rule as aged.



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

(ii) "Custodial care" means providing a sheltered, family-type setting for an aged person or disabled adult so as to provide for the person's basic needs of food and shelter and to ensure that a specific person is available to meet those basic needs.

(iii) "Disabled adult" means a person who is 18 years of age or older and who is defined by department rule as disabled.

(iv) "Light personal care" means assisting the aged person or disabled adult in accomplishing such personal hygiene tasks as bathing, dressing, hair grooming, and supervision of prescriptive medicine administration. The term does not include the administration of prescriptive medications.

(v) "Skilled nursing care" means 24-hour care supervised by a registered nurse or a licensed practical nurse under the orders of an attending physician."

5. Page 5, line 4.

Following: "nursing care,"

Insert: "residential care,"

6. Page 5, line 6.

Following: "~~52-3-303~~"

Strike: "residential care facilities"

7. Page 13, line 21.

Following: "residential care facilities"

Insert: "as defined in 50-5-101"

8. Page 15, Line 16.

Following: "home"

Strike: "may"

Insert: "shall"

9. Page 15, following line 18.

Insert: "NEW SECTION. Section 12. Standards for adult foster care homes. The department may adopt rules establishing standards for the licensing of adult foster care homes. The standards must provide for the safety and comfort of the residents and may be adopted by the department only after receiving the advice and recommendations of the state fire prevention and investigation program of the department of justice in relation to fire and safety requirements for adult foster care homes."

NEW SECTION. Section 13. Limitation on care provided in adult foster care home. (1) Except as provided in this section, the types of care offered by adult foster care homes are limited to light personal care or custodial care and may not include skilled nursing care.

(2) An adult foster care home may be licensed to provide care for an adult who resided in the home for at least 1 year before reaching 18 years of age, even though the adult is:

- (a) in need of skilled nursing care;
- (b) in need of medical, physical, or chemical restraint;
- (c) nonambulatory or bedridden;
- (d) incontinent to the extent that bowel or bladder control is absent; or
- (e) unable to self-administer medications.

(3) An adult foster care home that applies for a license under subsection (2) must have a signed statement from a physician agreeing that the care needed by the adult may be provided in the home.

(4) A resident of an adult foster care home licensed under subsection (2) must have a signed statement, renewed on an annual basis, from a physician, a physician assistant-certified, a nurse practitioner, or a registered

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

nurse, whose work is unrelated to the operation of the home and who:

- (a) actually visited the home within the year covered by the statement;
- (b) has certified that the particular needs of the resident can be adequately met in the home; and
- (c) has certified that there has been no significant change in health care status that would require another level of care."

Renumber: subsequent sections

10. Page 15, lines 23 and 25.

Strike: "and 11"

Insert: "through 13"

And, as amended, do pass. Report adopted.

**HB 318**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: second "A"

Strike: "PERMIT"

Insert: "PERMITS"

2. Page 1, line 20.

Strike: "a"

Strike: "permit"

Insert: "permits"

3. Page 1, line 21.

Strike: "permit"

Insert: "permits"

4. Page 1, line 24.

Strike: "An"

Insert: "Except as provided in subsection (2), an"

And, as amended, do pass. Report adopted.

**HB 335**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "RIGHTS"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1, line 25.

Strike: "distributor,"

Strike: "distributor branch,"

3. Page 1, line 27.

Strike: "condition or"

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

4. Page 1, line 29.

Strike: "or defect"

5. Page 2, lines 8 through 10.

Strike: "for the parts" on line 8 through "wheelchair" on line 10

Insert: "against nonconformity"

6. Page 2, line 14.

Following: "consumer"

Insert: "under subsection (1)"

7. Page 2, lines 14 through 16.

Strike: "This implied" on line 14 through "wheelchair." on line 16

8. Page 2, line 16.

Strike: "4"

Insert: "2"

9. Page 2, lines 21 and 22.

Strike: "a defect" on line 21 through "wheelchair" on line 22

Insert: "the nonconformity"

10. Page 3.

Following: line 4

Insert: "(2) A manufacturer who replaces a wheelchair in accordance with subsection (1)(a) or refunds the purchase price of a wheelchair in accordance with subsection (1)(b) shall also refund to the dealer the dealer's reasonable costs of the exchange or refund."

Renumber: subsequent subsection

11. Page 3, line 14.

Following: "of"

Strike: "the"

Insert: "a"

12. Page 3, line 14 and 15.

Strike: "30 or more business"

Insert: "45"

13. Page 3, line 27.

Strike: "In addition to pursuing any other remedy"

Insert: "If the manufacturer fails to comply with [section 4(1)(a) or (1)(b)]"

14. Page 4.

Following: line 7

Insert: "NEW SECTION. Section 10. Applicability. [This act] does not apply to a wheelchair as defined by [section 2] sold to a consumer as defined by [section 2] before October 1, 1995."

And, as amended, do pass. Report adopted.



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

JUDICIARY (Clark, Chairman):

2/9/95

**HB 55**, introduced bill, be amended as follows:

1. Page 2, lines 6 through 8.

Strike: "\$500" on line 6 through "pay" on line 8

Insert: "\$100"

2. Page 2, line 11.

Following: "who"

Insert: "knowingly"

And, as amended, do pass. Report adopted.

**HB 74**, introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Strike: "ALLOWING" on line 4 through "PARTY" on line 6

Insert: "PROVIDING THAT IN CIVIL ACTIONS, THE COURT SHALL NOTIFY THE JURORS THAT THEY  
MAY IMPOSE ECONOMIC SANCTIONS IF THEY DETERMINE THE CASE TO BE FRIVOLOUS  
OR BROUGHT FOR PURPOSES OF HARASSMENT"

2. Page 1, lines 18 and 19.

Strike: "may order" on line 18 through "party" on line 19

Insert: "shall notify the jurors that they may impose economic sanctions if they determine the case to be frivolous  
or brought for purposes of harassment"

And, as amended, do pass. Report adopted.

**HB 217**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Strike: "CREATING" on line 4 through "EMPLOYEE;" on line 5

Insert: "ELIMINATING THE OFFENSE OF ABUSE OF TEACHERS; AND"

2. Title, lines 5 and 6.

Strike: "; AND" on line 5 through "DATE" on line 6

3. Page 1, lines 10 through 19.

Strike: section 1 of the bill in its entirety

Renumber: subsequent section

4. Page 1, lines 23 through 27.

Strike: sections 3 and 4 of the bill in their entirety

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

**HB 253**, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "may on its own motion order"

Insert: "shall inform"

2. Page 1, line 13.

Strike: "to attend an"

Insert: "of available"

Strike: "program"

Insert: "programs"

3. Page 1, line 14.

Following: "children"

Insert: "and,"

Following: "child"

Insert: ", may order the parties to attend a program"

And, as amended, do pass. Report adopted.

**HB 296**, introduced bill, do pass. Report adopted.

**HB 347**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "PERSON"

Insert: ", SPOUSE, CHILD, PARENT, SIBLING,"

2. Page 1, line 15.

Following: "person"

Insert: ", the person's spouse, child, parent, or sibling,"

3. Page 1, line 18.

Following: "servant"

Insert: ", to the public servant's spouse, child, parent, or sibling,"

4. Page 1, line 21.

Following: "official"

Insert: ", the person's spouse, child, parent, or sibling,"

5. Page 1, line 30.

Following: "servant"

Insert: "or injures the servant's spouse, child, parent, or sibling"

6. Page 2, line 9.

Strike: "\$5,000"

Insert: "\$50,000"

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

7. Page 2, line 10.

Strike: "5"

Insert: "10"

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/9/95

HB 188, introduced bill, be amended as follows:

1. Title, lines 5 through 12.

Strike: "REVISING" on line 5 through "VEHICLES;" on line 12

2. Title, line 13.

Strike: "MAKING PERMANENT"

Insert: "EXTENDING"

3. Title, lines 14 through 17.

Strike: "RAISING" on line 14 through "COSTS" on line 16

Strike: "SECTIONS" on line 16 through the first "AND" on line 17

Insert: "SECTION"

Strike: "; REPEALING" on line 17

Insert: ", "

4. Title, line 18.

Strike: "EFFECTIVE DATES"

Insert: "AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 22 through page 9, line 2.

Following: enacting clause

Strike: the remainder of the bill in its entirety

Insert: "Section 1. Section 61-3-537, MCA, is amended to read:

"61-3-537. (Temporary) Local option vehicle tax. (1) A county may impose a local vehicle tax on vehicles subject to a property tax under 61-3-504(2) at a rate of up to 0.5% of the value determined under 61-3-503, in addition to the tax imposed under 61-3-504(2).

(2) A local vehicle tax is payable at the same time and in the same manner as the tax imposed under 61-3-504(2). The first priority of the local vehicle tax is for district court funding, and the tax is distributed as follows:

(a) 50% to the county; and

(b) the remaining 50% to the county and the incorporated cities and towns within the county, apportioned on the basis of population. The distribution to a city or town is determined by multiplying the amount of money available by the ratio of the population of the city or town to the total county population. The distribution to the county is determined by multiplying the amount of money available by the ratio of the population of unincorporated areas within the county to the total county population.

(3) The governing body of a county may impose, revise, or revoke a local vehicle tax ~~for a fiscal year~~ by adopting a resolution before July 1 ~~of the fiscal year~~, after conducting a public hearing on the proposed resolution. The resolution may provide for the distribution of the local vehicle tax. ~~(Terminates June 30, 1995 - sec. 1, Ch. 217, L. 1993.)~~

61-3-537. (Effective July 1, ~~1995~~ 2005) Local option vehicle tax. (1) A county may impose a local vehicle



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

tax on vehicles subject to a property tax under 61-3-504(2) at a rate of up to 0.5% of the value determined under 61-3-503, in addition to the tax imposed under 61-3-504(2).

(2) A local vehicle tax is payable at the same time and in the same manner as the tax imposed under 61-3-504(2) and is distributed in the same manner, based on the registration address of the owner of the motor vehicle.

(3) The governing body of a county may impose, revise, or revoke a local vehicle tax ~~for a fiscal year~~ by adopting a resolution before July 1 ~~of the fiscal year~~, after conducting a public hearing on the proposed resolution."

Section 2. Section 1, Chapter 217, Laws of 1993, is amended to read:

"Section 1. Section 4, Chapter 749, Laws of 1991, is amended to read:

"Section 4. Termination. [This act] terminates June 30, ~~1993~~ 1995 2005."

Section 3. Section 4, Chapter 749, Laws of 1991, is amended to read:

"Section 4. Termination. [This act] terminates June 30, ~~1993~~ 2005."

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 139, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House amendments to Senate bill concurred in:

SJR 2, introduced by Halligan

Senate bills passed and transmitted to the House for concurrence:

2/10/95

SB 17, introduced by Keating

SB 129, introduced by Stang

SB 135, introduced by Cole

SB 181, introduced by Weldon

SB 224, introduced by Christiaens

SB 235, introduced by Miller

SB 278, introduced by Brooke

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 9, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 16 sponsored by Representative Wyatt on February 9, 1995.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 9, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 20 sponsored by Representative Pavlovich on February 9, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 9, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 76 sponsored by Representative Royal Johnson on February 9, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 9, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 98 sponsored by Representative Pavlovich on February 9, 1995.

Sincerely,

MARC RACICOT  
Governor

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 9, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 106 sponsored by Representative Menehan on February 9, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 9, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 108 sponsored by Representative Cobb on February 9, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 9, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 178 sponsored by Representative Ewer on February 9, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 9, 1995

Dear Representative Mercer:



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Please be informed that I have signed House Bill 210 sponsored by Representative Pavlovich on February 9, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 37 sponsored by Representative Ellingson on February 10, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 510**, introduced by Cocchiarella, referred to Committee on Business & Labor.  
**HB 511**, introduced by R. Johnson, referred to Committee on Select Health Care.  
**HB 512**, introduced by DeBruycker, referred to Committee on Appropriations.  
**HB 513**, introduced by DeBruycker, referred to Committee on Appropriations.  
**HB 514**, introduced by DeBruycker, referred to Committee on Appropriations.  
**HB 515**, introduced by DeBruycker, referred to Committee on Appropriations.  
**HB 516**, introduced by Cobb, referred to Committee on Education & Cultural Resources.  
**HB 517**, introduced by Kottel, referred to Committee on Judiciary.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 83**, referred to Committee on Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

**HB 228** - Representative H. Hanson moved HB 228, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 29.

Strike: "is an"

Insert: "and the superintendent of public instruction are"

2. Page 4, line 30.

Strike: "member"

Insert: "members"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Cobb, Rehbein.

Total 2

Excused: Ellis.

Total 1

Absent or not voting: Kottel, McCann, Molnar.

Total 3

Representative Ellis present at this time.

Representative Tash excused at this time.

Representative H. Hanson moved HB 228, as amended, do pass.

Representative Ellis moved for closure of discussion on HB 228. Motion carried.

The motion to pass HB 228, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Barnhart, Boharski, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper,

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 36

Voted Absentee: Tash, Aye.

Excused: None.

Total 0

Absent or not voting: Keenan.

Total 1

**HB 212** - Representative Anderson moved HB 212 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Cobb, Curtiss, Herron, Wagner, Wyatt.

Total 5

Voted Absentee: Tash, Aye.

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

Representative Tropila assumed the Chair at this time.

**HB 272** - Representative Stovall moved HB 272, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 6.

Page 7, line 6.

Following: "tips"

Strike: "1" or "1,"

Insert: "or"

Following: "gratuities"

Strike: "1, or service charges"

Insert: "that are"



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Following: "3402(k)" or "3402(k)"

Insert: "or service charges that are covered by section 3401"

Amendment #1 passes as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Tash.

Total 1

Absent or not voting: Bergman, H.S. Hanson, Hibbard.

Total 3

Representative Stovall moved HB 272, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Boharski.

Total 1

Voted Absentee: Tash, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 342 - Representative Pavlovich moved HB 342 do pass. Motion carried as follows:

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Tash, Aye.

Excused: None.

Total 0

Absent or not voting: Nelson, Sliter, Wiseman.

Total 3

Representative Pavlovich resumed the Chair at this time.

**HB 404** - Representative McCulloch moved HB 404 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Tash, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 15** - Representative Wiseman moved HJR 15 do pass. Motion carried as follows:

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Cocchiarella, DeBruycker, Denny, Ellingson, Elliott, Ewer, Jore, Molnar, Rehbein, Schwinden, S. Smith, Soft.  
Total 12

Voted Absentee: Tash, Aye.

Excused: None.  
Total 0

Absent or not voting: Boharski, Harper, Kadas, Keenan.  
Total 4

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved that the Committee of the Whole report be adopted.

Representative Harper made a substitute motion HB 228 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed. (34-62)

The motion of Chairman Pavlovich passed as follows: (71-27)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 273** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 87

Noes: Cobb, DeBruycker, Galvin, H.S. Hanson, Hurdle, J. Johnson, McCann, Ream, Somerville, Tuss, Vick, Wells, Wyatt.



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Total 13

Voted Absentee: Tash, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 11** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.

Total 0

Voted Absentee: Tash, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 195** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Boharski, Curtiss, DeBruycker, Grimes, Jore, Kasten, McCann, McGee, Murdock, Nelson, S. Smith.

Total 11

Voted Absentee: Tash, Aye.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Excused: None.

Total 0

Absent or not voting: Hurdle.

Total 1

**HB 196** passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ewer, Fisher, Galvin, Green, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McKee, Menahan, Molnar, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Somerville, Squires, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt.

Total 63

Noes: Arnott, Barnett, Bergsagel, Boharski, Bohlinger, Brainard, Clark, DeBruycker, Denny, Ellis, Feland, Forbes, Fuchs, Grady, Grimes, Grinde, H.S. Hanson, Herron, Holland, R. Johnson, Jore, Kasten, Martinez, McCann, McGee, Mills, Nelson, Peck, Simon, S. Smith, Soft, Story, Stovall, Tash, Vick, Zook, Mr. Speaker.

Total 37

Voted Absentee: ; Tash, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 52** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Zook, Mr. Speaker.

Total 87

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Harper, Hurdle, Kadas, Schwinden, Somerville, Wyatt.

Total 12

Voted Absentee: Tash, Aye.

Excused: None.

Total 0

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Absent or not voting: Hagener.

Total 1

**HB 64** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Brainard, Nelson, Rehbein, Wennemar.

Total 4

Voted Absentee: Tash, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

**HB 496** - Representative Grinde moved HB 496 be taken from the Committee on Taxation and rereferred to the Committee on Judiciary. Motion carried.

**HB 497** - Representative Grinde moved HB 497 be taken from the Committee on Judiciary and rereferred to the Committee on Taxation. Motion carried.

**HB 507** - Representative Grinde moved HB 507 be taken from the Committee on Business & Labor and rereferred to the Committee on Human Services & Aging. Motion carried.

**HB 272** - Representative Tropila moved he be allowed to change his vote on HB 272, second reading, from nay to aye. Motion carried.

**HJR 11** - Representative Tuss moved she be allowed to change her vote on HJR 11, third reading, from nay to aye. Motion carried.

Representative Simpkins moved he be allowed to change his vote on HJR 11, third reading, from nay to aye. Motion carried.

**HB 39** - Representative Harrington moved HB 39 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading the next legislative day. Motion failed. (37-62)



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

**HB 209** - Representative Cobb moved HB 209 be taken from the table in the Committee on Taxation, printed, and placed on second reading the next legislative day. Motion failed. (48-49)

**HJR 11** - Representative Orr moved he be allowed to change his vote on HJR 11, third reading, from not voting to aye. Motion carried.

**HB 273** - Representative Sliter moved he be allowed to change his vote on HB 273, third reading, from not voting to aye. Motion carried.

**HB 491** - Representative Boharski moved HB 491 be taken from the Committee on Local Government and rereferred to the Committee on Judiciary. Motion carried.

**HJR 11** - Representative Ream moved he be allowed to change his vote on HJR 11, third reading, from not voting to aye. Motion carried.

Representative Heavy Runner moved he be allowed to change his vote on HJR 11, third reading, from not voting to aye. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS & LABOR** (Simon, Chairman): 2/10/95  
**SB 95**, be concurred in. Report adopted.

**FISH & GAME** (Wagner, Chairman): 2/10/95  
**HB 62**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.  
Following: "RIFLES" on line 5  
Strike: remainder of line 5 through "RIFLES," on line 6

2. Page 1, line 14.  
Strike: "except black powder rifles,"

And, as amended, do pass. Report adopted.

**HB 122**, introduced bill, be amended as follows:

1. Page 2, line 8.  
Strike: "or entity"

2. Page 2, line 11.  
Following: "persons"  
Strike: "and entities"  
Insert: "residing in the state of Montana and"

3. Page 2, line 19.  
Strike: "AND ENTITIES"  
Insert: "residing in the state of Montana and"

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

4. Page 2, lines 21 and 22.

Strike: "SHALL" on line 21

Insert: "may"

Following: "WITH THE" on line 21

Strike: "INTERESTED" on line 21 through "SITE" on line 22

Insert: "interested citizens"

5. Page 2, lines 22 and 23.

Following: "DEVELOPMENT" on line 22

Strike: remainder of line 22 through "SHALL" on line 23

Insert: "and"

6. Page 2, lines 24 and 25.

Following: "COMMENT" on line 24

Strike: remainder of line 24 through "PROPOSAL" on line 25

Insert: "in the manner outlined in this subsection (3) or the department may seek approval from the fish, wildlife, and parks commission to proceed with the improvement or development. The decision of the commission must be made after receiving comment from the department and the public at a regular or special commission meeting"

And, as amended, do pass. Report adopted.

**HB 375**, introduced bill, be amended as follows:

1. Page 1, line 30.

Strike: "or"

2. Page 2, line 2.

Following: "commission"

Insert: "; or (c) within and along the boundaries of the eastern Montana fishing district, as established by the 1994-95 commission regulations"

3. Page 2, line 23.

Strike: "or"

4. Page 2, line 25.

Following: "commission"

Insert: "; or (c) within and along the boundaries of the eastern Montana fishing district, as established by the 1994-95 commission regulations"

And, as amended, do pass. Report adopted.

**HB 384**, introduced bill, do pass. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):

2/10/95

**HB 89**, introduced bill, be amended as follows:

1. Page 3, line 18.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Strike: "human"

2. Page 3, lines 27 and 28.

Strike: subsection 8 in its entirety

Renumber: subsequent subsections

3. Page 3, line 30.

Strike: "human"

4. Page 4, line 7.

Following: "~~person~~"

Insert: "person who places or causes to be placed a dead body or the ashes after cremation in a grave, vault, urn, or other receptacle or otherwise disposes of the body or fetus and who is a"

5. Page 4, lines 9 and 10.

Strike: "and" on line 9 through "or fetus" on line 10

6. Page 4, lines 29 and 30.

Strike: "The department" on line 29 through "statistics." on line 30

7. Page 5, lines 12 and 13.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

8. Page 6, line 6.

Strike: "modernization and automation"

Insert: "administration"

9. Page 6, line 10.

Following: "copy"

Insert: "or copies"

10. Page 7, lines 10 and 11.

Strike: "and is" on line 10 through "the original" on line 11

11. Page 8, line 3.

Strike: the first ", "

Insert: "or"

12. Page 8, line 4.

Strike: "or copy of a vital record,"

13. Page 9, line 14.

Following: "duties."

Insert: "The department shall, upon request by the department of social and rehabilitation services, the department of family services, or a licensed adoption agency, provide a birth certificate and related records for purposes of adoption, termination of parental rights, custody actions, paternity actions, child support



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

actions, social security eligibility determinations, or Indian tribal enrollment determinations."

14. Page 9, lines 26 and 27.

Strike: ", and the documents" on line 26 through "rule" on line 28

Insert: ". The department shall maintain original vital records intact and in their original form on file at the department"

15. Page 10, line 27.

Strike: "(4)(f)"

Insert: "(4)(e)"

16. Page 10, line 28.

Following: "designee"

Insert: "or a midwife licensed pursuant to Title 37, chapter 27,"

17. Page 11, line 2.

Following: ";

Insert: "or"

18. Page 11, line 3.

Strike: subsection (e) in its entirety

Renumber: subsequent subsection

19. Page 13, line 6.

Strike: "A person"

Insert: "The department or its designee"

20. Page 13.

Following: line 7

Insert: "(3) The department shall adopt rules establishing the circumstances under which vital records may be corrected or amended and the procedure to correct or amend those records."

Renumber: subsequent subsections

21. Page 14, line 20.

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

22. Page 15, line 5.

Following: "acknowledgment"

Insert: "and other credible evidence"

23. Page 16, lines 11 and 12.

Strike: "the" on line 11 through "adopted" on line 12

Insert: "the date and place of birth of the adopted person"

24. Page 16, line 13.

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

Following: "by"

Insert: "the patient's spouse, adult children, parents, or"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/10/95

**HJR 17**, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/10/95

**HB 343**, introduced bill, be amended as follows:

1. Page 2, line 9.

Strike: "process or"

Insert: "processing"

Following: the second "facility"

Insert: "located at the site of the mine"

Following: "that"

Insert: "produces a solid, liquid, or gaseous fuel from coal as its primary product and thermally or chemically"

2. Page 2, line 11.

Following: "value"

Insert: "per pound"

3. Page 3.

Following: line 4

Insert: "(11) "Feedstock" means raw coal processed by a coal enhancement facility."

Renumber: subsequent subsections

4. Page 4, line 26.

Strike: "process or"

Insert: "processing"

Following: the second "facility"

Insert: "located at the site of the mine"

Following: "that"

Insert: "produces a solid, liquid, or gaseous fuel from coal as its primary product and thermally or chemically"

5. Page 4, line 28.

Following: "value"

Insert: "per pound"

6. Page 5.

Following: line 18

Insert: "(10) "Feedstock" means raw coal processed by a coal enhancement facility."

Renumber: subsequent subsections

7. Page 7, line 11.

Strike: "A"

Insert: "In addition to the exemption described in subsection (4), a"

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

8. Page 7, line 12.

Following: "produces"

Insert: "as feedstock"

Following: "for"

Strike: "a"

Strike: "facility"

Insert: "facilities"

9. Page 7, line 13.

Following: "produced"

Insert: "as feedstock"

Following: "for"

Strike: "a"

Strike: "facility"

Insert: "facilities"

10. Page 7, line 14.

Following: "produced"

Insert: "as feedstock"

Strike: "the facility"

Insert: "these facilities"

11. Page 8, line 15.

Strike: "A"

Insert: "In addition to the exemption described in subsection (4), a"

12. Page 8, line 16.

Following: "produces"

Insert: "as feedstock"

Following: "for"

Strike: "a"

Strike: "facility"

Insert: "facilities"

13. Page 8, line 17.

Following: "produced"

Insert: "as feedstock"

Following: "for"

Strike: "a"

Strike: "facility"

Insert: "facilities"

14. Page 8, line 18.

Following: "produced"

Insert: "as feedstock"

Strike: "the facility"

Insert: "these facilities"

And, as amended, do pass. Report adopted.



HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 10, 1995

**HJR 16**, introduced bill, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, February 11, 1995. Motion carried.

House adjourned at 3:15 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 11, 1995

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative John "Sam" Rose. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Barnett, Fuchs, McKee, S. Smith, Swanson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 2/11/95

Correctly printed for second reading: HB 309, HB 323, HB 444, HB 315, HB 322, HB 345, HB 355, HB 371, HB 327.

Correctly engrossed for third reading: HB 212, HB 228, HB 272, HB 342, HB 404, HJR 15.

JUDICIARY (Clark, Chairman): 2/10/95

**HB 309**, introduced bill, be amended as follows:

1. Page 2, lines 10 and 11.

Strike: "or health" on line 10 through "chapter 8" on line 11

Insert: "podiatrist, optometrist, chiropractor, physical therapist, or nurse licensed under Title 37 or a health care facility licensed under Title 50, chapter 5"

2. Page 2, line 12.

Strike: "has the meaning defined in 27-6-103"

Insert: "means a claim based on a negligent act or omission by a health care provider in the rendering of professional services that is the proximate cause of a personal injury or wrongful death"

And, as amended, do pass. Report adopted.

**HB 323**, introduced bill, be amended as follows:

1. Page 1, lines 11 through 17.

Strike: "(1)" on line 11 through "(2)" on line 17

2. Page 1, line 17.

Strike: "letter issued under subsection (1), the"

3. Page 1, line 18.

Following: "permit"

Strike: ", "

4. Page 1, line 24.

Insert: "NEW SECTION. Section 3. Coordination instruction. If House Bill No. 232 is passed and approved with a provision exempting a concealed weapon permittee from the federal handgun purchase background check and 5-day waiting period, then [this act] is void."

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

And, as amended, do pass. Report adopted.

**HB 444**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "REBUTTABLE PRESUMPTIONS"

Insert: "AN ADDITIONAL FACTOR THAT A COURT MUST CONSIDER"

2. Page 1, line 21.

Following: line 20

Insert: "(f) a knowing failure of a parent to pay birth-related costs or child support that the parent is able to pay;"

Renumber: subsequent subsections

3. Page 1, line 26, through line 6 of page 2.

Strike: subsections (3) and (4) in their entirety

4. Page 3, line 13.

Following: line 12

Insert: "(v) deviate sexual conduct, as described in 45-5-505;"

Renumber: subsequent subsection

5. Page 5, line 3.

Following: line 2

Insert: "(v) deviate sexual conduct, as described in 45-5-505;"

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 518**, introduced by Tuss, referred to Committee on Business & Labor.

**HB 519**, introduced by Brainard, referred to Committee on Appropriations.

**HB 520**, introduced by Fuchs, referred to Committee on Agriculture, Livestock & Irrigation.

**HB 521**, introduced by Wagner, referred to Committee on Natural Resources.

**HB 522**, introduced by Tuss, referred to Committee on Human Services & Aging.

**HB 523**, introduced by McKee, referred to Committee on State Administration.

**HB 524**, introduced by McKee, referred to Committee on Taxation.

**HB 525**, introduced by Pavlovich, referred to Committee on Taxation.

**HB 526**, introduced by Swanson, referred to Committee on Appropriations.

**HB 527**, introduced by Larson, referred to Committee on Business & Labor.

**HB 528**, introduced by Taylor, referred to Committee on Appropriations.

**HB 529**, introduced by Molnar, referred to Committee on State Administration.



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

**HB 530**, introduced by Wiseman, referred to Committee on Local Government.

**HJR 22**, introduced by Tash, referred to Committee on Natural Resources.

Representative Grinde moved the House recess until 8:45 a.m. Motion carried.

House recessed at 8:05 a.m.

House reconvened at 8:50 a.m. Mr. Speaker in the Chair.

Representative S. Smith present at this time.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/11/95

**SB 134**, introduced by Klampe  
**SB 177**, introduced by Foster  
**SB 197**, introduced by Gage  
**SB 202**, introduced by Jergeson  
**SB 209**, introduced by Swysgood  
**SB 210**, introduced by Bishop  
**SB 216**, introduced by Beck  
**SB 218**, introduced by Christiaens  
**SB 228**, introduced by Van Valkenburg  
**SB 242**, introduced by Gage  
**SB 244**, introduced by Waterman  
**SB 265**, introduced by Beck  
**SB 270**, introduced by Burnett  
**SB 275**, introduced by Devlin  
**SB 279**, introduced by L. Nelson  
**SB 305**, introduced by Mesaros  
**SJR 10**, introduced by Harding

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 212** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Total 93

Noes: Cobb, Curtiss, Orr, L. Smith, Wagner.

Total 5

Voted Absentee: Barnett, Fuchs, McKee, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Barnhart, Denny.

Total 2

**HB 342** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.

Total 0

Voted Absentee: Barnett, Fuchs, McKee, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 404** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Noes: None.  
Total 0

Voted Absentee: Barnett, Fuchs, McKee, Swanson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Arnott, Devaney.  
Total 2

**HJR 15** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Devaney, Ellingson, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Cocchiarella, DeBruycker, Denny, Elliott, Ewer, Harper, Jore, Keenan, Raney, Ream, Rehbein, S. Smith, Soft.  
Total 13

Voted Absentee: Barnett, Fuchs, McKee, Swanson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Boharski.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grinde in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 280** - Representative Mills moved consideration of HB 280 be passed for the day. Motion carried.

**HB 409** - Representative Mills moved consideration of HB 409 be passed for the day. Motion carried.

**HB 74** - Representative Larson moved consideration of HB 74 be passed for the day. Motion carried.



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

**SB 36** - Representative Ellingson moved SB 36, second reading copy, be amended as follows (amendment #1):

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Barnett, Fuchs, McKee, Swanson.

Total 4

Absent or not voting: J. Johnson, Molnar, Wennemar.

Total 3

Representative Grimes moved SB 36, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Barnett, Fuchs, McKee, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: L. Smith.

Total 1

**HB 55** - Representative Bohlinger moved HB 55 do pass. Motion carried as follows:

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Ayes: Ahner, Anderson, Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Ohs, Pavlovich, Peck, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Soft, Squires, Stovall, Swanson, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 59

Noes: Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Feland, Forbes, Fuchs, Grady, Green, Grinde, Hayne, Holland, Jore, Kasten, Keenan, Knox, Martinez, McGee, Mills, Murdock, Nelson, Orr, Quilici, Rehbein, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Tash, Taylor, Trexler, Vick, Wagner, Wells.  
Total 41

Voted Absentee: McKee, Swanson, Ayes; Barnett, Fuchs, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 101** - Representative Masolo moved HB 101 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 61

Noes: Barnhart, Carey, Clark, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Schwinden, Shea, Simon, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 37

Voted Absentee: Barnett, Fuchs, McKee, Ayes; Swanson, No.

Excused: None.  
Total 0

Absent or not voting: Ryan, S. Smith.  
Total 2

**HB 188** - Representative Wiseman moved HB 188 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bergsagel, Boharski, Cobb, Curtiss, DeBruycker, Denny, Feland, Grinde, Herron, Jore, Kasten, Orr, Rehbein, Simpkins, S. Smith, Wagner.

Total 16

Voted Absentee: Barnett, Fuchs, McKee, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 217** - Representative J. Johnson moved HB 217 be indefinitely postponed.

Representative Clark made a substitute motion HB 217 do pass.

Representative Simpkins moved consideration of HB 217 be passed for the day. Motion failed as follows: (47-49)

Representative Mercer moved consideration of HB 217 be passed for the day.

Representative Peck moved the House recess until 10:00 a.m. so that the Rules Committee could meet on the motion of Speaker Mercer. Motion carried.

House recessed at 9:50 a.m.

House reconvened at 10:05 a.m. Chairman Grinde in the Chair.

Representative Mercer made a substitute motion HB 217 be placed below HB 392 on the second reading board. Motion carried.

**HB 220** - Representative Elliott moved consideration of HB 220 be placed below HB 387 on the second reading board. Motion carried.

**HB 263** - Representative Larson moved HB 263, second reading copy, be amended (amendment #1).

Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Noes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Voted Absentee: Swanson, Aye; Fuchs, No.

Excused: Barnett, McKee.

Total 2

Absent or not voting: Keenan.

Total 1

Representative Harper moved HB 263, second reading copy, be amended (amendment #2).

Amendment #2 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 32

Noes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Voted Absentee: Swanson, Aye; Fuchs, No.

Excused: Barnett, McKee.

Total 2

Absent or not voting: Keenan.

Total 1

Representative Curtiss moved HB 263 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Total 67

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Keenan, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Voted Absentee: Barnett, Fuchs, McKee, Ayes; Swanson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 201** - Representative Ellingson moved HB 201, second reading copy, be amended (amendment #1).

Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt, Zook.

Total 32

Noes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Mr. Speaker.

Total 64

Voted Absentee: Swanson, Aye; Fuchs, No.

Excused: Barnett, McKee.

Total 2

Absent or not voting: Denny, Keenan.

Total 2

Representative Harper moved HB 201, second reading copy, be amended (amendment #2).

Amendment #2 failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 34

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Noes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fisher, Forbes, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

Voted Absentee: Swanson, Aye.

Excused: Barnett, Fuchs, McKee.

Total 3

Absent or not voting: Denny, Grimes, Keenan.

Total 3

Representative Marshall excused at this time.

Representative Ellis moved HB 201 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hageneŕ, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Keenan, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 34

Voted Absentee: Barnett, Fuchs, Marshall, McKee, Ayes; Swanson, No.

Excused: None.

Total 0

Absent or not voting: Denny.

Total 1

Representative Simon assumed the Chair at this time.

Representative Arnott excused at this time.

**HB 253** - Representative Barnhart moved HB 253 do pass.

Representative Barnhart moved HB 253, second reading copy, be amended as follows (amendment #1):



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

1. Page 1, line 17.

Strike: ", which" through "duration"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Galvin, Grady, Green, Grimes, Hagener, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Somerville, Squires, Stovall, Tash, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook.

Total 68

Noes: Boharski, Brainard, Curtiss, Denny, Fisher, Forbes, Grinde, H.S. Hanson, M. Hanson, Herron, R. Johnson, Jore, Keenan, Martinez, Murdock, Nelson, Orr, Rehbein, S. Smith, Story, Taylor, Wagner.

Total 22

Excused: Arnott, Barnett, Fuchs, Marshall, McKee, Swanson.

Total 6

Absent or not voting: Feland, Menahan, Soft, Mr. Speaker.

Total 4

Representative Barnhart moved HB 253, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Barnett, Boharski, Curtiss, DeBruycker, Denny, Devaney, Feland, Forbes, Grinde, M. Hanson, Hayne, Jore, Kasten, Keenan, Knox, Martinez, McGee, Murdock, Nelson, Orr, Rehbein, S. Smith, Taylor, Vick, Wagner.

Total 25

Voted Absentee: Arnott, Fuchs, Marshall, McKee, Swanson, Ayes; Barnett, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 278** - Representative Holland moved HB 278 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Hurdle, Kadas.

Total 2

Voted Absentee: Arnott, Barnett, Fuchs, McKee, Swanson, Ayes.

Excused: Marshall.

Total 1

Absent or not voting: Grinde.

Total 1

**HB 296** - Representative Wells moved HB 296 do pass. Motion failed as follows:

Ayes: Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Feland, Forbes, Fuchs, Green, Grimes, H.S. Hanson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Martinez, McGee, Molnar, Orr, Simon, Simpkins, L. Smith, S. Smith, Soft, Stovall, Trexler, Vick, Wagner, Wells, Wennemar, Wiseman.

Total 38

Noes: Anderson, Barnhart, Bergsagel, Bohlinger, Carey, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grady, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Sliter, Somerville, Squires, Story, Swanson, Tash, Taylor, Tropila, Tuss, Wyatt, Zook, Mr. Speaker.

Total 61

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, Ayes; McKee, Swanson, Noes.

Excused: None.

Total 0

Absent or not voting: Ahner.

Total 1

**HB 301** - Representative Soft moved HB 301, second reading copy, be amended as follows (amendment #1):

1. Page 2, lines 10 and 11.

Strike: subsection (v) in its entirety

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

2. Page 17, line 7.

Insert: "(5) As used in this section, "skilled nursing care" means 24-hour care supervised by a registered nurse or a licensed practical nurse under the orders of an attending physician."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Cocchiarella, S. Smith.  
Total 2

Excused: Arnott, Barnett, Fuchs, Marshall, McKee, Swanson.  
Total 6

Absent or not voting: Green, Grinde, Hibbard, Jore, Molnar, Ohs, Vick.  
Total 7

Representative Soft moved HB 301, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Arnott, Bergsagel, Boharski, Brainard, Curtiss, Feland, Fisher, Fuchs, Hayne, Jore, Marshall, Masolo, Rehbein, Taylor, Vick, Wagner.  
Total 16

Voted Absentee: Barnett, Swanson, Ayes; Arnott, Fuchs, Marshall, Noes.

Excused: McKee.  
Total 1

Absent or not voting: Squires.  
Total 1

**HB 245** - Representative Ahner moved consideration of HB 245 be passed for the day. Motion carried.



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

**HB 318** - Representative Rose moved HB 318 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Fuchs, Jore, Rehbein.

Total 3

Voted Absentee: Arnott, Barnett, Marshall, Swanson, Ayes; Fuchs, No.

Excused: McKee.

Total 1

Absent or not voting: Boharski, Feland, Wells.

Total 3

Representative Fisher excused at this time.

**HB 335** - Representative Squires moved HB 335 do pass. Motion carried as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: DeBruycker, Fuchs, Hayne, Jore, Kasten, Mills, Rehbein, Wagner.

Total 8

Voted Absentee: Arnott, Barnett, McKee, Swanson, Ayes; Fuchs, No.

Excused: Marshall.

Total 1

Absent or not voting: Ahner, Boharski, Fisher, Rose.

Total 4

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

**HB 347** - Representative Kottel moved HB 347 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Hayne, Heavy Runner, Jore, Marshall, Martinez, Molnar, Orr, Rehbein, Sliter, S. Smith, Story, Vick, Wagner, Wells.

Total 22

Voted Absentee: Arnott, Barnett, Fuchs, McKee, Swanson, Ayes; Marshall, No.

Excused: None.

Total 0

Absent or not voting: Bergman, Fisher.

Total 2

Representative Grinde resumed the Chair at this time.

**HJR 14** - Representative Green moved HJR 14 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Anderson, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kasten, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, Ryan, Shea, Squires, Swanson, Tuss, Wennemar, Wyatt.

Total 33

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McKee, Ayes; Swanson, No.

Excused: None.

Total 0

Absent or not voting: Fisher, Herron.

Total 2

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Representative McCann excused at this time.

**HB 352** - Representative Peck moved HB 352 do pass.

Representative Ellis moved consideration of HB 352 be placed below HB 165 on the second reading board. Motion carried.

**HB 384** - Representative Ream moved HB 384 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Barnett, Grimes, Herron, Jore, Kasten, Keenan, Knox, Orr, S. Smith, Wagner.  
Total 10

Voted Absentee: Arnott, Fuchs, Marshall, McCann, McKee, Swanson, Ayes; Barnett, No.

Excused: None.  
Total 0

Absent or not voting: Fisher, Hayne, Masolo, L. Smith.  
Total 4

**HB 386** - Representative Rose moved HB 386 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Jore, Wagner.  
Total 2

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.  
Total 0



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Absent or not voting: Fisher.

Total 1

**HB 387** - Representative Cocchiarella moved HB 387, second reading copy, be amended as follows (amendment #1):

1. Title, lines 6 through 7.

Strike: "REQUIRING" on line 6 through "APPLICATION;" on line 7

2. Page 2, lines 19 and 20.

Strike: "AND" on line 19 through "APPLICATION" on line 20

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Ohs.

Total 1

Voted Absentee: Fuchs, Aye.

Excused: Arnott, Barnett, Marshall, McCann, McKee, Swanson.

Total 6

Absent or not voting: Feland, Fisher, Rose.

Total 3

Representative Boharski moved HB 387, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergman.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Total 1

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher, Jore, Simon, Vick.

Total 4

HB 220 - Representative Elliott moved HB 220, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 16.

Strike: "UNLESS APPROVED"

Insert: "if protested in writing"

2. Page 3, line 2.

Strike: "UNLESS APPROVED"

Insert: "if protested in writing"

Amendment #1 passed as follows:

Ayes: Ahner, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Reibtein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergman, Vick.

Total 2

Excused: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson.

Total 7

Absent or not voting: Anderson, Fisher, McGee, Simon.

Total 4

Representative Elliott moved HB 220, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr,

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Feland, Jore, Wagner.

Total 4

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McKee, Swanson, Ayes.

Excused: McCann.

Total 1

Absent or not voting: Fisher.

Total 1

**HB 110** - Representative H. Hanson moved consideration of HB 110 be passed for the day. Motion carried.

**HB 393** - Representative Grady moved HB 393 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 98

Noes: Wyatt.

Total 1

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 414** - Representative Harper moved HB 414 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills,



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher, Knox, S. Smith.  
Total 3

**HB 415** - Representative Forbes moved HB 415 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher, Molnar, S. Smith.  
Total 3

**HB 381** - Representative Knox moved HB 381 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler,

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher, J. Johnson, S. Smith.  
Total 3

**HB 392** - Representative Ryan moved HB 392 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Barnhart, DeBruycker, Feland, Hurdle, Kadas, Keenan, Tuss, Vick, Wagner.  
Total 9

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 217** - Representative Anderson moved HB 217, second reading copy, be amended as follows (amendment #1):

1. Title, line 6.

Following: "§"

Insert: "REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO ENSURE THAT SCHOOL EMPLOYEES ARE NOTIFIED THAT THEY ARE PROTECTED UNDER THE LAW FROM ASSAULT;"

2. Title, line 6.

Following: "§"

Insert: "AMENDING 20-3-105, MCA;"

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

3. Page 1.

Following: line 20

Insert: "Section 4. Section 20-3-105, MCA, is amended to read:

"20-3-105. Administrative powers and duties. In administering the affairs of ~~his~~ the office, the superintendent of public instruction shall ~~have the power and it shall be his duty to:~~

(1) keep a record of ~~his~~ the official acts of the office and all documents applicable to the administration of the office, preserve all official reports submitted to ~~him~~ the superintendent for the period required by law, and surrender ~~them~~ the records, documents, and reports to ~~his~~ the successor superintendent at the expiration of ~~his~~ the term for which the current superintendent was elected;

(2) preserve all books, educational media, instructional equipment, and any other articles of educational interest and value ~~which that~~ come into ~~his~~ the possession of the office and surrender ~~them~~ the books, media, equipment, and articles to ~~his~~ the successor superintendent at the expiration of ~~his~~ the term for which the current superintendent was elected;

(3) cause the printing and distribution of all reports and forms necessary for the proper conduct of business by a district or school in the manner prescribed by the provisions of this title;

(4) provide and keep an official seal of the superintendent of public instruction by which ~~his~~ the official acts ~~shall~~ of the office must be authenticated;

(5) if ~~he deems~~ considered necessary, cause the printing of a complete and updated volume of the school laws of the state, including 45-5-201 regarding assault, which ~~shall~~ must be offered and sold at cost of the printing and shipping to any school official or other person;

(6) whenever a replacement volume is not printed under the provisions of subsection (5), cause the printing of a cumulative supplement to the most recent volume of school laws immediately after the conclusion of any session of the legislature at which new school laws or amendments to the school laws were adopted. ~~It shall~~ The supplement must be offered and sold at cost of the printing and shipping to any school official or other person.

(7) if ~~deemed~~ considered necessary, publish a biennial report of the superintendent of public instruction;

(8) counsel with and advise county superintendents on matters involving the welfare of the schools and, when requested, give a county superintendent a written answer to any question concerning school law;

(9) call an annual meeting of the county superintendents when ~~he deems it~~ considered to be advisable;

(10) ~~as far as he shall find it~~ when considered to be practicable, address public assemblies on subjects pertaining to education in Montana; and

(11) faithfully work in all practical and possible ways for the welfare of the public schools of the state."

Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Noes: Heavy Runner.

Total 1

Excused: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson.

Total 7

Absent or not voting: Fisher, Grimes, Jore.

Total 3

Representative J. Johnson moved HB 217, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Green, Molnar, Wiseman.

Total 3

Voted Absentee: Barnett, Fuchs, Marshall, McKee, Swanson, Ayes.

Excused: Arnott, McCann.

Total 2

Absent or not voting: Fisher, Harrington.

Total 2

**HJR 16** - Representative Cobb moved HJR 16 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Green, Molnar.

Total 3

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HJR 17** - Representative Tropila moved HJR 17 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Boharski, Ellingson, Fisher, S. Smith.

Total 4

**HJR 19** - Representative Orr moved HJR 19 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Arnott, Bergman, Bergsagel, DeBruycker, Feland, Fuchs, Jore, Kasten, Keenan, McCann, Rehbein, S. Smith, Story, Trexler, Vick.

Total 15

Voted Absentee: Barnett, Marshall, McKee, Swanson, Ayes; Arnott, Fuchs, McCann, Noes.

Excused: None.

Total 0

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Absent or not voting: Ellis, Fisher.  
Total 2

**HB 154** - Representative Kasten moved HB 154 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Zook.  
Total 78

Noes: Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Feland, Hurdle, Jore, Keenan, Martinez, Sliter, L. Smith, S. Smith, Vick, Wagner, Wyatt.  
Total 19

Voted Absentee: Fuchs, Marshall, McCann, McKee, Swanson, Ayes; Arnott, Barnett, Noes.

Excused: None.  
Total 0

Absent or not voting: Fisher, McGee, Mr. Speaker.  
Total 3

**HB 165** - Representative Story moved HB 165 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Peck, Raney, Ream, Rehbein, Rose, Schwinden, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 87

Noes: Barnhart, Brainard, Harrington, Heavy Runner, Menahan, Pavlovich, Quilici, Ryan, Shea, Sliter, Wyatt.  
Total 11

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher, Orr.  
Total 2



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

**HB 352** - Representative Peck moved HB 352, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 15.

Following: "FULL"

Insert: "market"

Amendment #1 passed as follows:

Ayes: Ahner, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: None.

Total 0

Excused: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson.

Total 7

Absent or not voting: Anderson, Fisher, Hayne, Ohs, Sliter.

Total 5

Representative Peck moved HB 352, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher.

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Total 1

**HB 166** - Representative McGee moved HB 166 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Arnott, Barnett, Fuchs, Marshall, McCann, McKee, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Anderson, Fisher, Grady, McGee, Simpkins.

Total 5

Representative H. Hanson moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grinde moved that the Committee of the Whole report be adopted. Report adopted. (80-7)

**REPORTS OF STANDING COMMITTEES**

JUDICIARY (Clark, Chairman):

2/11/95

**HB 315**, introduced bill, do pass. Report adopted.

**HB 322**, introduced bill, be amended as follows:

1. Title, line 5.

Following: ";"

Insert: "AND"

2. Title, line 7.

Strike: "; AND AMENDING SECTION 49-2-304, MCA"

3. Page 1, lines 23 and 24.

Strike: "property" on line 23 through end of line 24

Insert: ":

(i) an unlawfully possessed firearm; or

(ii) something, including an explosive or a hazardous or toxic substance, that it is unlawful to possess and

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

that may be dangerous to other persons;"

4. Page 2, lines 9 through 11.

Strike: "property" on line 9 through end of line 11

Insert: ":

(i) an unlawfully possessed firearm; or

(ii) something, including an explosive or a hazardous or toxic substance, that it is unlawful to possess and that may be dangerous to other persons;"

5. Page 2, line 14.

Following: "hotel;"

Insert: "or"

6. Page 2, line 16.

Strike: "; or"

Insert: "."

7. Page 2, lines 17 through 23.

Strike: subsection (g) in its entirety

8. Page 2, line 24.

Strike: "Except as provided in subsection (1)(g), this"

Insert: "This"

9. Page 2, line 28 through line 17 of page 3.

Strike: section 3 of the bill in its entirety

Renumber: subsequent sections

10. Page 3, lines 25 and 27.

Strike: ", 2, and 4"

Insert: "through 3"

And, as amended, do pass. Report adopted.

**HB 345**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "STATE SPECIAL REVENUE"

Insert: "GENERAL"

2. Title, line 7.

Strike: "USED BY THE DEPARTMENT OF JUSTICE"

Insert: "DISTRIBUTED TO LAW ENFORCEMENT AGENCIES"

3. Page 3, lines 2 and 3.

Strike: "an account" on line 2 through "revenue" on line 3

Insert: "the general"



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

4. Page 3, lines 3 and 4.

Strike: "to be" on line 3 through end of line 4

Insert: ". It is intended that the charges collected be appropriated to the department of justice for distribution at the end of each quarter in the following manner:

(a) Charges collected by a municipal court or a city court must be distributed to the appropriate local government finance officer or treasurer of the city or town in which the conviction occurred. The local government finance officer or treasurer shall distribute all revenue received under this subsection to the city or town law enforcement agency.

(b) Of the charges collected by a justice's or district court, one-half must be distributed to the county or consolidated city-county finance officer or treasurer of the county in which the conviction occurred and the remaining one-half must be retained by the department. The county or consolidated city-county finance officer or treasurer shall distribute all revenue received under this subsection to the county sheriff or the consolidated city-county law enforcement agency.

(c) Revenue received from the charges must be used to purchase or lease and to maintain law enforcement equipment used in the investigation of alcohol-related offenses."

And, as amended, do pass. Report adopted.

**HB 355**, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "property"

Insert: ", except that the prosecution must be commenced within 1 year after the investigating officer discovers that the offender still possesses or is otherwise exerting unauthorized control over the property"

And, as amended, do pass. Report adopted.

**HB 371**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "DOG;"

Insert: "CLARIFYING THE DEFINITION OF POLICE DOG;"

2. Page 1, lines 13 and 14.

Strike: line 13 through "manner" on line 14.

3. Page 1, line 16.

Strike: "imprisoned in"

Insert: "incarcerated in the county jail or"

4. Page 1, line 24.

Strike: "law enforcement"

Insert: "criminal justice"

Strike: ", as defined in 7-32-201,"

5. Page 1, line 25.

Following: "work"

Insert: ", including but not limited to detection by scent of bombs, explosives, narcotics, accelerants, and a missing

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

or escaped person"

6. Page 1, line 26.

Following: "(iii)"

Insert: "owned, possessed, or"

7. Page 1, line 26.

Following: "control"

Insert: "or supervision"

8. Page 1, line 26.

Following: "officer"

Insert: "or an authorized representative of a criminal justice agency"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/10/95

**HB 327**, introduced bill, be amended as follows:

1. Title, line 11.

Following: "ELECTORS;"

Insert: "REVISING THE PERCENTAGE OF QUALIFIED ELECTORS REQUIRED FOR APPROVAL IN  
CERTAIN LOCAL AND SCHOOL ELECTIONS;"

Following: "SECTIONS"

Insert: "7-7-2237, 13-1-101,"

2. Title, line 12.

Strike: "AND"

Following: "13-19-313,"

Insert: "AND 20-9-428,"

3. Title, line 13.

Following: "DATE"

Insert: "AND A CONTINGENT TERMINATION DATE"

4. Page 1.

Following: line 20

Insert:

"Section 5. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

- (i) solicitation is made;
- (ii) contribution is received and retained; or
- (iii) expenditure is made; and
- (c) an officeholder who is the subject of a recall election.
- (3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

- (ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

- (b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee; or

- (iv) filing fees paid by the candidate.

(4) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(5) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

- (6) "Elector" means an individual qualified and registered to vote under state law.

(7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

- (b) "Expenditure" does not mean:

- (i) services, food, or lodging provided in a manner that they are not contributions under subsection (3);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee.

(8) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(9) "Inactive elector" means a qualified elector who is placed on an inactive list under the provisions of 13-2-207(3) or 13-19-313(4).

- ~~(9)~~(10) "Individual" means a human being.

- ~~(10)~~(11) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the petition or referral.

~~(14)~~~~(12)~~ "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (2) of this section.

~~(12)~~~~(13)~~ "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(13)~~~~(14)~~ "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(14)~~~~(15)~~ "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

~~(15)~~~~(16)~~ "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(16)~~~~(17)~~ "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(17)~~~~(18)~~ "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

~~(18)~~~~(19)~~ "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Renumber: subsequent sections

6. Page 2, line 6.

Strike: ";

7. Page 2, lines 7 and 8.

Strike: subsection (a) in its entirety

8. Page 2, line 9.

Strike: "~~(b)~~"

9. Page 2, line 10.

Strike: ";

10. Page 2, lines 11 and 12.

Strike: "~~(i)~~" on line 11

Following: "registration" on line 11

Strike: ";

11. Page 7.

Following: line 7

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

Insert:

"Section 13. Section 7-7-2237, MCA, is amended to read:

"7-7-2237. Percentage of electors required to authorize bond issue. (1) Whenever the question of issuing county bonds for any purpose is submitted to the registered electors of a county at either a general or special election, the determination of the approval or rejection of the bond proposition is made in the following manner:

(1)(a) determine the total number of active electors who were qualified to vote in the bond election;

(2)(b) determine the total number of qualified electors who voted in the bond election from the tally sheet or sheets for the election;

(3)(c) calculate the percentage of qualified electors voting at the bond election by dividing the number determined in subsection (2)(1)(b) by the number determined in subsection (1)(a); and

(4)(d) when the calculated percentage in subsection (3)(1)(c) is 40% or more, the bond proposition is considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise it is considered rejected; or

(5)(e) when the calculated percentage in subsection (3)(1)(c) is more than 30% but less than 40%, the bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the proposition, otherwise it is considered rejected; or

(6)(f) when the calculated percentage in subsection (3)(1)(c) is 30% or less, the bond proposition is considered rejected.

(2) The total number of active electors who are qualified to vote under subsection (1)(a) includes inactive electors who turn out and vote in the election.

(3) For purposes of this section, "active elector" means an individual who is qualified and registered to vote in an election or who is not on an inactive elector list pursuant to 13-2-207 or 13-19-313."

Section 14. Section 20-9-428, MCA, is amended to read:

"20-9-428. Determination of approval or rejection of proposition at bond election. (1) When the trustees canvass the vote of a school district bond election under the provisions of 20-20-415, they shall determine the approval or rejection of the school bond proposition in the following manner:

(a) determine the total number of active electors of the school district who are qualified to vote under the provisions of 20-20-301 from the list of electors supplied by the county registrar for such school bond election;

(b) determine the total number of qualified electors who voted at the school bond election from the tally sheet or sheets for such election;

(c) calculate the percentage of qualified electors voting at the school bond election by dividing the amount determined in subsection (1)(b) by the amount determined in subsection (1)(a); and

(d) when the calculated percentage in subsection (1)(c) is 40% or more, the school bond proposition shall be deemed to have been approved and adopted if a majority of the votes shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

(e) when the calculated percentage in subsection (1)(c) is more than 30% but less than 40%, the school bond proposition shall be deemed to have been approved and adopted if 60% or more of the votes shall have been cast in favor of such proposition, otherwise it shall be deemed to have been rejected; or

(f) when the calculated percentage in subsection (1)(c) is 30% or less, the school bond proposition shall be deemed to have been rejected.

(2) If the canvass of the vote establishes the approval and adoption of the school bond proposition, the trustees shall issue a certificate proclaiming the passage of such proposition and the authorization to issue bonds of the school district for the purposes specified on the ballot for such school district bond election.

(3) The total number of active electors who were qualified to vote under subsection (1)(a) includes inactive electors who turn out and vote in the election.

(4) For purposes of this section, "active elector" means an individual who is qualified and registered to vote in an election and who is not on an inactive elector list pursuant to 13-2-207 or 13-19-313."

Renumber: subsequent sections

HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

12. Page 7.

Following: line 9

Insert:

"NEW SECTION. Section 16. Contingent termination. [This act] terminates on the date that the secretary of state certifies to the governor that the National Voter Registration Act of 1993 is discretionary."

Renumber: subsequent sections

13. Page 7, lines 11 and 13.

Strike: "10 and 11"

Insert: "11 and 12"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/11/95

**SB 163**, introduced by L. Nelson

**SB 182**, introduced by Weldon

**SB 201**, introduced by Burnett

**SB 207**, introduced by Mesaros

**SB 208**, introduced by Mesaros

**SB 217**, introduced by Doherty

**SB 221**, introduced by Doherty

**SB 222**, introduced by Cole

**SB 243**, introduced by Wilson

**SB 268**, introduced by Hargrove

**SB 284**, introduced by Van Valkenburg

**SB 289**, introduced by Brooke

**SB 297**, introduced by Doherty

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 531**, introduced by Orr, referred to Committee on Select Health Care.

**HB 532**, introduced by Tash, referred to Committee on Human Services & Aging.

**HB 533**, introduced by Arnott, referred to Committee on Select Health Care.

**HB 534**, introduced by Harrington, referred to Committee on Taxation.

**HB 535**, introduced by Harrington, referred to Committee on Taxation.

**HB 536**, introduced by Mills, referred to Committee on Business & Labor.

**HB 537**, introduced by Larson, referred to Committee on Business & Labor.

**MOTIONS**

**HB 156** - Representative Cobb moved HB 156 be taken from the table in the Committee on Taxation, printed, and placed on second reading this legislative day. Motion failed. (38-48)



HOUSE JOURNAL  
THIRTY-SIXTH LEGISLATIVE DAY - FEBRUARY 11, 1995

**HB 201** - Representative Ellis moved the House reconsider its action on HB 201 taken on third reading the previous legislative day. Motion failed. (32-55)

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, February 13, 1995. Motion carried.

House adjourned at 2:20 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 13, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Representative M. Hanson in the Chair. Invocation by Representative Emily Swanson. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Mercer, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 2/13/95  
Correctly printed for second reading: HB 157, HB 214, HB 311, HB 332, HB 338, HB 354, HB 389, HB 411, HB 434, HB 436, HB 442, HB 467, HJR 20.  
Correctly engrossed for third reading: HB 55, HB 101, HB 154, HB 165, HB 166, HB 188, HB 201, HB 217, HB 220, HB 253, HB 263, HB 278, HB 301, HB 318, HB 335, HB 347, HB 352, HB 381, HB 384, HB 386, HB 387, HB 392, HB 393, HB 414, HB 415, HJR 14, HJR 16, HJR 17, HJR 19.  
Delivered to the Governor for his approval at 8:50 a.m., 2/13/95: HB 10, HB 12, HB 118, HB 193.

**APPROPRIATIONS** (Zook, Chairman): 2/13/95  
**HB 354**, introduced bill, do pass. Report adopted.

**JUDICIARY** (Clark, Chairman): 2/11/95  
**HB 157**, introduced bill, be amended as follows:

1. Page 6, line 30 through line 1 of page 7.

Strike: "the court" on line 30 of page 6 through end of line 1 of page 7

Insert: "a district court"

2. Page 7, lines 3 and 4.

Strike: "Within" on line 3 through "convicted" on line 4

Insert: "The petition must be served on the county attorney in the county where the petition is filed. Prior to a hearing on the petition, the county attorney shall mail a copy of the petition to the victim of the last offense for which the sexual offender was convicted if the victim's address is reasonably available"

3. Page 7, line 5.

Strike: "or victims"

4. Page 7, line 13.

Strike: "less than 90 days or"

5. Page 7, line 14.

Strike: "\$5,000"

Insert: "\$10,000"

And, as amended, do pass. Report adopted.

**HB 214**, introduced bill, be amended as follows:

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

1. Title, line 10.

Strike: "AND OTHER LAW ENFORCEMENT AGENCIES"

2. Title, lines 11 and 12.

Strike: "PROVIDING" on line 11 through "INFORMATION;" on line 12

Insert: "AND"

3. Title, line 12

Strike: "44-5-301,"

4. Title, line 14.

Strike: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

5. Page 1, line 18 through line 6 of page 2.

Strike: section 1 of the bill in its entirety

Renumber: subsequent sections

6. Page 5, line 15.

Following: "45-5-503,"

Insert: "45-5-504(2)(c),"

7. Page 7, lines 28 and 29.

Strike: "shall" on line 28

Insert: "may"

Strike: "imprisoned in the state prison for a term" on lines 28 and 29

Insert: "sentenced to a term of imprisonment"

Strike: "less than" on line 29

Strike: "2 years or"

8. Page 8, lines 1 through 14.

Strike: lines 1 through 14 in their entirety

Insert: "NEW SECTION. Section 11. Dissemination of information in register. Information in the register maintained under 46-18-254 and this part is confidential criminal justice information, as defined in 44-5-103, except that:

(1) the name of a registered sexual offender is public criminal justice information, as defined in 44-5-103;  
and

(2) before releasing from a state prison an inmate who is a sexual offender, if the department believes that release of information concerning the inmate is necessary for public protection, the department shall petition the district court for the judicial district in which the prison is located or for the judicial district in which the inmate intends to reside for an order allowing the department to release relevant and necessary register information regarding the inmate to the public. The court shall grant the order if the court finds that the information is necessary for public protection."

9. Page 8, lines 16 and 18.

Strike: "12"

Insert: "11"

10. Page 8, lines 20 through 27.



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Strike: sections 14 and 15 of the bill in their entirety

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/13/95

**HB 338**, introduced bill, be amended as follows:

1. Page 1, line 22.

Strike: "that" through "life"

And, as amended, do pass. Report adopted.

**HB 411**, introduced bill, do pass. Report adopted.

**SB 48**, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 10, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 26 sponsored by Representative Wyatt on February 10, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 538**, introduced by Ewer, referred to Committee on Natural Resources.

**HB 539**, introduced by Soft, referred to Committee on Human Services & Aging.

**HB 540**, introduced by Molnar, referred to Committee on Judiciary.

**HB 541**, introduced by Wennemar, referred to Committee on Natural Resources.

**HB 542**, introduced by Tash, referred to Committee on Select Health Care.

**HB 543**, introduced by Wagner, referred to Committee on Judiciary.

**HB 544**, introduced by Tuss, referred to Committee on Appropriations.

**HB 545**, introduced by Murdock, referred to Committee on Taxation.

**HB 546**, introduced by S. Smith, referred to Committee on Education & Cultural Resources.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kasten in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Mercer present at this time.

**HB 74** - Representative Holland moved HB 74 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Galvin, Hagener, Harrington, Heavy Runner, Hurdle, Kadas, McCulloch, Ryan, Shea, Squires, Tuss, Wyatt.

Total 18

Excused: None.

Total 0

Absent or not voting: Wennemar.

Total 1

**HB 110** - Representative Fisher moved HB 110 do pass.

Representative Molnar moved HB 110, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 4.

Strike: "(3) and (4)"

Insert: "(2) and (3)"

2. Page 2, lines 21 through 24.

Strike: Subsection (2) in its entirety

Renumber: subsequent subsections

3. Page 3, line 9.

Strike: "(3) and (4)"

Insert: "(2) and (3)"

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Amendment #1 passes as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 110, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 67

Noes: Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Ewer, Galvin, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 245** - Representative Ahner moved HB 245, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "ASSISTANCE TO"

Insert: "CERTAIN"



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

2. Page 1, line 19.

Following: "."

Insert: "Child care assistance may not be provided to families with incomes that exceed 133% of the federal poverty threshold."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Barnhart, Bergsagel, Cocchiarella, Ellingson, Heavy Runner, Pavlovich, Tropila, Wennemar.

Total 8

Excused: None.

Total 0

Absent or not voting: Arnott, Keenan, Shea.

Total 3

Representative Ahner moved HB 245, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 66

Noes: Anderson, Arnott, Barnett, Bergman, Brainard, Clark, DeBruycker, Denny, Devaney, Fuchs, Green, H.S. Hanson, M. Hanson, Hayne, Herron, Jore, Keenan, Knox, Marshall, Martinez, Mills, Molnar, Rose, Sliter, Stovall, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

**HB 280** - Representative Barnett moved HB 280 do pass. Motion carried as follows:

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 92

Noes: Cobb, Ellingson, Elliott, Galvin, Kadas, Wyatt.

Total 6

Excused: None.

Total 0

Absent or not voting: Arnott, Heavy Runner.

Total 2

**HB 409** - Representative Barnett moved HB 409 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Kottel, Larson, Schwinden, Tuss.

Total 4

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 62** - Representative M. Hanson moved HB 62 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bohlinger, Carey, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Martinez, McCann, McCulloch, McGee, Murdock, Nelson, Orr, Peck, Quilici, Raney, Ream, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Tash, Taylor, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 59

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Noes: Ahner, Arnott, Bergsagel, Boharski, Brainard, Clark, Cocchiarella, Feland, Forbes, Fuchs, Green, Grimes, Grinde, Herron, Hibbard, Jore, Keenan, Kitzenberg, Kottel, Larson, Marshall, Masolo, McKee, Menahan, Mills, Molnar, Ohs, Pavlovich, Rehbein, Rose, Ryan, Sliter, S. Smith, Somerville, Story, Swanson, Trexler, Tropila, Tuss, Vick, Wagner.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 89** - Representative Peck moved HB 89, second reading copy, be amended as follows (amendment #1):

1. Page 18, line 6.

Following: "fetus"

Insert: "that weighs at least 350 grams at death or, if the weight is unknown, has reached 20 completed weeks of gestation at death"

2. Page 18, lines 14 and 15.

Strike: subsection (3) in its entirety

Amendment #1 passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Boharski, Brainard, Feland, Jore, Keenan, McGee, Orr, S. Smith, Tropila, Vick.

Total 10

Excused: None.

Total 0

Absent or not voting: Anderson, Cobb, Devaney, Grimes, Hurdle, R. Johnson, Mills.

Total 7

Representative Soft moved HB 89, second reading copy, be further amended as follows (amendment #2):

1. Page 9, line 6.

Strike: "One hundred"

Insert: "Thirty"

Strike: "50 years after the date"



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Insert: "immediately upon the filing with the department of a record"

Amendment #2 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kasten, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 89

Noes: Keenan, Martinez, Rehbein, L. Smith.

Total 4

Excused: None.

Total 0

Absent or not voting: Cobb, Ellis, R. Johnson, Jore, Kitzenberg, McGee, Zook.

Total 7

Representative Bohlinger excused at this time.

Representative Peck moved HB 89, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 78

Noes: Boharski, Brainard, DeBruycker, Feland, Fuchs, Green, Jore, Keenan, Kitzenberg, McGee, Rehbein, Simpkins, Sliter, S. Smith, Tash, Vick, Wagner, Wells.

Total 18

Excused: None.

Total 0

Absent or not voting: Bohlinger, Cobb, Heavy Runner, Zook.

Total 4

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Kasten moved that the Committee of the Whole report be adopted. Report adopted. (86-11)

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 55** passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Ohs, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Soft, Squires, Swanson, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Arnott, Barnett, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Feland, Fuchs, Green, Harper, Hayne, Jore, Kasten, Keenan, Kitzenberg, Knox, Martinez, McGee, Murdock, Nelson, Orr, Raney, Rehbein, Sliter, L. Smith, S. Smith, Somerville, Story, Stovall, Taylor, Trexler, Vick, Wagner, Wells.

Total 36

Voted Absentee: Bohlinger, Aye.

Excused: None.

Total 0

Absent or not voting: McKee, Tash.

Total 2

**HB 101** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Ream, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Barnhart, Carey, Cocchiarella, Elliott, Ewer, Feland, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, Menahan, Molnar, Quilici, Raney, Ryan, Schwinden, Shea, Simon, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 34

Excused: Bohlinger.

Total 1

Absent or not voting: Ellingson, Holland, Tash.

Total 3

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

**HB 154** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Barnett, Bergman, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Hurdle, Jore, Keenan, Martinez, L. Smith, S. Smith, Vick, Wagner.

Total 15

Excused: Bohlinger.

Total 1

Absent or not voting: Holland, Knox, Tash.

Total 3

**HB 165** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Raney, Ream, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Barnhart, Cocchiarella, Heavy Runner, Pavlovich, Quilici, Ryan, Shea, Wyatt.

Total 8

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 166** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg,



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: Arnott.

Total 1

**HB 188** passed as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hager, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Boharski, Cobb, DeBruycker, Denny, Jore, Kasten, Keenan, Orr, Peck, Ream, Rehbein, Simpkins, S. Smith, Wagner.

Total 14

Excused: Bohlinger.

Total 1

Absent or not voting: Ahner.

Total 1

**HB 228** passed as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Barnhart, Boharski, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hager, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar,

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Wyatt.  
Total 36

Excused: Bohlinger.  
Total 1

Absent or not voting: Anderson.  
Total 1

**HB 263** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 67

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Keenan, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Raney, Ream, Ryan, Schwinden, L. Smith, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.  
Total 31

Excused: Bohlinger.  
Total 1

Absent or not voting: Herron.  
Total 1

**HB 272** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Boharski.  
Total 1

Excused: Bohlinger.  
Total 1

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Absent or not voting: Heavy Runner, Sliter, Story.

Total 3

**HB 278** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Hurdle.

Total 1

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 318** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Jore, Rehbein, Wells.

Total 3

Excused: Bohlinger.

Total 1

Absent or not voting: Boharski, Fuchs, Story.

Total 3

**HB 335** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Carey, Clark, Cobb, Cocchiarella, Curtiss,



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Brainard, DeBruycker, Fisher, Fuchs, Hayne, Jore, Kasten, Mills, Peck, Rehbein, Wagner.  
Total 11

Excused: Bohlinger.  
Total 1

Absent or not voting: Boharski, Ellis.  
Total 2

**HB 347** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Carey, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook.  
Total 75

Noes: Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Green, Hayne, Jore, Keenan, Marshall, Molnar, Orr, Rehbein, S. Smith, Story, Vick, Wagner, Wells, Mr. Speaker.  
Total 24

Excused: Bohlinger.  
Total 1

Absent or not voting: None.  
Total 0

**HB 381** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: S. Smith.

Total 1

**HB 384** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 88

Noes: Barnett, Curtiss, Feland, Fuchs, Jore, Kasten, Keenan, Knox, Orr, Wagner, Zook.

Total 11

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 386** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Barnett, Jore, Wagner.

Total 3

Excused: Bohlinger.

Total 1

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Absent or not voting: None.

Total 0

**HB 392** passed as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Barnhart, DeBruycker, Elliott, Feland, Grady, Grinde, Hurdle, Kadas, Keenan, Tuss, Wagner, Wennemar.

Total 12

Excused: Bohlinger.

Total 1

Absent or not voting: Anderson, Hagener, Rehbein.

Total 3

**HB 393** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: Tuss, Wyatt.

Total 2

Excused: Bohlinger.

Total 1

Absent or not voting: Galvin.

Total 1

**HB 414** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin,



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Feland, Grinde, Jore.

Total 3

Excused: Bohlinger.

Total 1

Absent or not voting: S. Smith, Story.

Total 2

**HB 415** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: Ryan, S. Smith.

Total 2

**HJR 14** passed as follows:

Ayes: Ahner, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 66

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Noes: Anderson, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kasten, Kottel, Larson, McCulloch, Pavlovich, Peck, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tuss, Wyatt.

Total 30

Excused: Bohlinger.

Total 1

Absent or not voting: Arnott, Forbes, Fuchs.

Total 3

**HJR 16** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Feland, Green, Molnar.

Total 4

Excused: Bohlinger.

Total 1

Absent or not voting: Hagener, Simpkins.

Total 2

**HJR 17** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook.

Total 95

Noes: None.

Total 0

Excused: Bohlinger.

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Total 1

Absent or not voting: Boharski, Keenan, S. Smith, Mr. Speaker.

Total 4

**HJR 19** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Arnott, Bergman, Bergsagel, DeBruycker, Fisher, Jore, Kasten, Rehbein, Story, Trexler, Vick.

Total 11

Excused: Bohlinger.

Total 1

Absent or not voting: Feland, Kadas, Mills.

Total 3

**MOTIONS**

**HB 101** - Representative Simon moved he be allowed to change his vote on HB 101, third reading, from aye to nay. Motion carried.

**HB 188** - Representative Ryan moved he be allowed to change his vote on HB 188, third reading, from nay to aye. Motion carried.

**HB 55** - Representative Ellingson moved he be allowed to change his vote on HB 55, third reading, from nay to aye. Motion carried.

**REPORTS OF STANDING COMMITTEES**

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman):

2/13/95

**HB 434**, introduced bill, be amended as follows:

1. Page 2, line 4.

Strike: "shall"

Insert: "may"

2. Page 2, line 9.

Strike: "five"

Insert: "the"



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

3. Page 2, line 27.

Following: line 26

Insert: "(8) The Indian tribal governments are invited to participate in the treasure state living cultural treasures program and to submit nominees to the governor as provided in subsection (2). For the purposes of this subsection, "Indian tribal government" means an Indian tribe, nation, or other organized group or community located within the existing boundaries of Montana.

NEW SECTION. Section 4. Notification of tribal governments. The secretary of state shall send a copy of [this act] to the tribal chairperson of each tribe or tribes located on the seven Montana reservations and to the tribal chairperson of the Little Shell tribe.

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HJR 20**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "SCHOOLS"

Strike: "AND"

Insert: ", "

2. Title, line 6.

Following: "AGENCIES"

Insert: ", AND LOCAL PASSENGER SERVICE PROVIDERS"

3. Page 1, line 22.

Following: "schools"

Strike: "and"

Insert: ", "

Following: "agencies"

Insert: ", and local passenger service providers"

4. Page 1, line 26.

Strike: "remove"

Insert: "revise"

5. Page 1, line 28.

Following: "among" on line 27

Insert: "public and private"

And, as amended, do pass. Report adopted.

**HUMAN SERVICES & AGING** (Grimes, Chairman):

2/13/95

**HB 436**, introduced bill, be amended as follows:

1. Page 1, line 30.

Following: "services"

Insert: "A person may apply for certification as a certified chemical dependency counselor if the person has:

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

- (a)(i) received a baccalaureate or masters degree in alcohol and drug studies, psychology, sociology, social work, counseling, or a related field from an accredited college or university;
  - (ii) received an associate of arts degree in alcohol and drug studies, chemical dependency, or substance abuse from an accredited institution; or
  - (iii) successfully completed at least 1 year of formalized training in chemical dependency counseling in a program approved by the department or recognized under the laws of another state; and
  - (b) completed supervised work experience in a state-approved chemical dependency treatment program defined in rules under 53-24-204, in an internship approved by the department, or in a similar program recognized under the laws of another state.
- (3)"

2. Page 1, line 30.

Strike: "may by rule"

Insert: "shall"

3. Page 2, line 1.

Following: "examination"

Insert: "process"

4. Page 2, line 2.

Strike: "(3)"

Insert: "(4)"

And, as amended, do pass. Report adopted.

**HB 442**, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/13/95

**HB 311**, introduced bill, be amended as follows:

1. Page 1, line 10.

Following: line 9

Insert:

**"STATEMENT OF INTENT**

A statement of intent is required for this bill because it grants the attorney general authority to develop guidelines for state agencies to follow in identifying and evaluating agency actions with taking implications. The attorney general, using a public process, should develop an orderly, consistent, internal management process for state agencies to evaluate the effects of proposed actions on private property. Consistent with the Montana and United States constitutions, the attorney general should consider the following issues in developing guidelines:

- (1) whether there is a constitutionally protected property right that will be affected;
- (2) whether the proposed action would substantially advance a legitimate state interest;
- (3) whether the action would deprive the owner of economically viable use of the property or result in a temporary or permanent physical invasion of the property;
- (4) whether the action would damage the property;
- (5) whether the action would require a property owner to dedicate a portion of the property to a public use or to grant an easement; and
- (6) whether in balance, benefits of the proposed action justify the burden on private property. In addition, the attorney general may consider any other factors that bear upon the determination of whether a compensable

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

taking has occurred, including new case law."

2. Page 1, line 17.

Following: "taken"

Insert: "or damaged"

Following: "owner"

Insert: "in accordance with the meaning ascribed to these concepts by the United States supreme court and the Montana supreme court"

3. Page 1, lines 18 and 27.

Following: "taking"

Insert: "or damaging"

4. Page 1, line 21.

Following: "taking" in two places

Insert: "or damaging"

5. Page 1, line 28.

Strike: "license"

6. Page 1, lines 28 and 29.

Strike: ", or dedication" on line 28 through "property" on line 29

Insert: "pertaining to land or water management or to some other environmental matter that if adopted and enforced would constitute a deprivation of private property in violation of the United States or Montana constitution"

7. Page 2, line 6.

Strike: "and personal"

Following: "property"

Insert: ", including but not limited to water rights"

8. Page 2, line 9.

Following: "Taking"

Insert: "or damaging"

Strike: "of all or part of the use or economic value"

9. Page 2, line lines 13 and 15.

Strike: "Each state agency"

Insert: "The attorney general"

10. Page 2, line 14.

Strike: "adopt"

Insert: "provide to state agencies"

Strike: "it"

Insert: "the agencies"

11. Page 2, line 15.

Following: "taking"

Insert: "or damaging"

Strike: "its"



HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

Insert: "the"

12. Page 2, line 17 through page 3, line 5.

Strike: "a state" on page 2, line 17, through page 3, line 5

Insert: "the attorney general shall include a provision that state agencies should consider and follow obligations imposed by the 5th and 14th amendments to the Constitution of the United States and Article II, section 29, of the Montana constitution, as construed by the United States supreme court and the Montana supreme court, when considering and implementing an action with taking or damaging implications in order to avoid unanticipated and undue burdens on the state treasury."

13. Page 3, lines 9, 11, 14, 15, 17, and 19.

Following: "taking"

Insert: "or damaging"

14. Page 3, line 13.

Strike: "a"

Insert: "an immediate"

15. Page 3, line 14.

Strike: "state agency's"

Insert: "attorney general's"

16. Page 3, lines 22 through 26.

Strike: "must be" on line 22 through line 26

Insert: "for a proposed action with taking or damaging implications must be given to the governor before the action is taken, except that an action to avoid an immediate threat to public health or safety may be taken before the impact assessment is completed and the assessment may be reported to the governor after the action is taken."

And, as amended, do pass. Report adopted.

**HB 332**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/13/95

**HB 467**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: "MCA"

Strike: remainder of line 5 through "PROVISION" on line 6

2. Page 1, line 17.

Strike: "A" through "period"

Insert: "The secretary of state or other authorized official may not certify a candidate's nomination or election to the public service commission or print or cause to be printed on any ballot the name of a candidate for the public service commission if, at the end of the current term of that office, the candidate will have served in that office or, had the candidate not resigned or been recalled, would have served in that office for 8 or more years in a 16-year period.

(4) When computing the time served for the purposes of subsection (3), the provisions of

HOUSE JOURNAL  
THIRTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 13, 1995

subsection (3) do not apply to time served in terms that ended during or prior to January 1995"

3. Page 1, lines 19 through 21.

Strike: Section 2 in its entirety

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/13/95

**HB 389**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Strike: "PROVIDING" on line 7 through "RECORDS;" on line 8

2. Page 26, lines 15 and 16.

Strike: "The" on line 15 through "records." on line 16

And, as amended, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, February 14, 1995. Motion carried.

House adjourned at 2:55 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





**HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 14, 1995

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Scott S. Orr. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Kasten, Simpkins, Soft, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman): 2/14/95  
Correctly printed for second reading: HB 65, HB 84, HB 117, HB 215, HB 351, HB 378, HB 412, HB 455, HB 457, HB 472, HB 474, HB 478.  
Correctly engrossed for third reading: HB 62, HB 74, HB 89, HB 110, HB 245, HB 280, HB 409.

**APPROPRIATIONS** (Zook, Chairman): 2/14/95  
**HB 65**, introduced bill, do pass. Report adopted.

**JUDICIARY** (Clark, Chairman): 2/13/95  
**HB 84**, introduced bill, be amended as follows:

1. Page 1, line 19.  
Following: "placed"  
Insert: ", after consideration of the recommendations of the professionals providing treatment to the defendant,"
2. Page 1, line 20.  
Strike: "institution"  
Insert: "facility"
3. Page 1, line 22.  
Following: "may"  
Insert: ", after considering the recommendations of the professionals providing treatment to the defendant,"  
Strike: "institution"  
Insert: "facility"

And, as amended, do pass. Report adopted.

**HB 117**, introduced bill, be amended as follows:

1. Page 1, line 29.  
Following: "compliance."  
Insert: "The defendant has a right to a hearing on the petition. The court shall enter into the record a detailed statement of the facts upon which an order is made, and if compliance with the individualized treatment plan is ordered, the court shall also enter into the record specific findings that the state has proven an overriding justification for the order and that the treatment being ordered is medically appropriate."

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

**HB 378**, introduced bill, do pass. Report adopted.

**HB 457**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND"

2. Page 1, line 6.

Following: "CONVICTION"

Insert: "; AND AMENDING SECTION 41-5-203, MCA"

3. Page 1, line 24.

Insert: "Section 2. Section 41-5-203, MCA, is amended to read:

"41-5-203. Jurisdiction of the court. (1) Except as provided in subsection (2), the court has exclusive original jurisdiction of all proceedings under the Montana Youth Court Act in which a youth is alleged to be a delinquent youth, a youth in need of supervision, or a youth in need of care or concerning any person under 21 years of age charged with having violated any law of the state or ordinance of any city or town other than a traffic or fish and game law prior to having become 18 years of age.

(2) Justice, municipal, and city courts have concurrent jurisdiction with the youth court over all alcoholic beverage, tobacco products, and gambling violations alleged to have been committed by a youth."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 474**, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "board of crime control"

Insert: "department of justice"

2. Page 1, line 18.

Following: "approved by the board"

Insert: "of crime control"

Following: "available, the"

Strike: "board"

Insert: "department"

3. Page 2, line 12.

Strike: "offered"

Insert: "conducted by the department of justice"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/14/95

**HB 215**, introduced bill, be amended as follows:

1. Page 2, line 18.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Strike: subsection (13) in its entirety  
Renumber: subsequent subsections

2. Page 3, lines 6 and 26.

Strike: "~~(19)(b)(i)~~"

Insert: "(18)(b)(i)"

3. Page 3, line 6.

Strike: "~~(19)(b)(viii)~~"

Insert: "(18)(b)(viii)"

4. Page 3, line 18.

Strike: "~~(19)(b)(ii)(A)~~"

Insert: "(18)(b)(ii)(A)"

Strike: "~~(19)(b)(ii)(B)~~"

Insert: "(18)(b)(ii)(B)"

5. Page 3, line 27.

Strike: "~~(19)(b)(vi)~~"

Insert: "(18)(b)(vi)"

6. Page 3, line 29.

Strike: "A"

Insert: "Subject to the provisions of subsection (4), a"

Following: "permit"

Insert: "that is required"

7. Page 3, line 30.

Following: "facility"

Insert: "under 75-10-406"

Following: "issued"

Insert: ", reissued, renewed,"

Strike: "pursuant to 75-10-406"

Strike: "an application"

Insert: "the filing of a disclosure statement as required"

8. Page 4, line 1.

Following: "issuance"

Insert: ", reissuance, renewal,"

9. Page 4, lines 2 and 3.

Strike: "and" on line 2 through "applicant" on line 3

10. Page 4, line 4.

Strike: "and each principal"

11. Page 4, line 5.

Following: "civil"

Insert: "complaint filed"



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Strike: "complaint filed"

Insert: "enforcement action taken"

12. Page 4, line 6.

Strike: "or a principal"

13. Page 4, line 7.

Following: "complaint"

Insert: "or action"

14. Page 4, line 8.

Strike: "or a principal"

15. Page 4, line 10.

Following: "conviction"

Insert: "for activities directly associated with a hazardous waste management facility"

Strike: "or a principal"

16. Page 4.

Following: line 21

Insert: "(4)(a) This section does not apply to the issuance of a temporary emergency permit under 75-10-406(5) or to the modification of a permit that does not reflect a change in the owner or operator of the hazardous waste management facility.

(b) A person is not required to comply with the provisions of [section 3] or this section for:

(i) the reissuance, renewal, or modification of a valid hazardous waste management facility permit issued prior to January 1, 1995; or

(ii) an application for a new hazardous waste management facility permit for a facility when a permit was issued prior to January 1, 1995, if the new permit is not because of a change in the owner or operator at that facility.

(5) For the purposes of this section, "applicant" includes a subsidiary or successor in interest with respect to the applicant."

17. Page 4, line 24.

Following: "issuance"

Insert: ", reissuance, renewal,"

Strike: "under 75-10-406"

18. Page 4, line 27.

Following: "civil"

Insert: "complaint"

Strike: "complaint"

Insert: "enforcement action"

19. Page 4, lines 28 and 30.

Strike: "or a principal"

20. Page 5, lines 1, 4, and 11.

Strike: "or a principal"

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

21. Page 5, line 9.

Following: the first "the"

Insert: "number,"

Following: "nature"

Insert: ", "

Strike: "violation"

Insert: "violations"

22. Page 5, line 12.

Strike: "or principal's"

23. Page 5, line 13.

Following: "complaints"

Insert: ", enforcement actions,"

24. Page 5, line 14.

Strike: "or principal's"

Following: "entities"

Insert: "involved in the complaints or enforcement actions or"

25. Page 5, line 16.

Insert: "(4) For the purposes of this section, "applicant" includes a subsidiary or successor in interest with respect to the applicant."

And, as amended, do pass. Report adopted.

**HB 351**, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "CERTAIN"

2. Page 3, lines 6 through 11.

Strike: "If" on line 6 through the first "the" on line 11

Insert: "The"

3. Page 3, lines 13 through 21.

Strike: "would" through "state"

Insert: "does not return to the state full market value or that the sale procedure did not provide the public a reasonable opportunity to submit proposals to purchase the land. If the board of land commissioners determines that the sale is not in the best interests of the state or system, it shall notify the board of regents of that determination and the sale is not final"

4. Page 3, lines 15 through 21.

Strike: "For" on line 15 through "purposes." on line 21

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

**HB 412**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: first "AND"

2. Title, line 7.

Following: "REPORT"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AN APPLICABILITY DATE, AND A  
TERMINATION DATE"

3. Page 1, line 13.

Following: "to"

Insert: "voluntarily"

Strike: "compliance issues"

Insert: "violations"

4. Page 1, line 16.

Strike: "will"

Insert: "are"

Following: "not"

Insert: "intended to"

Following: "inhibit"

Insert: "or be a substitute for"

5. Page 1, line 17.

Following: "those"

Insert: "agencies"

6. Page 1, line 21.

Following: "a"

Insert: "state"

7. Page 1, line 24.

Following: second "self-evaluation"

Insert: ", not otherwise required by law or regulatory action,"

8. Page 1, line 25.

Following: second "the"

Insert: "primary"

9. Page 1, line 26.

Following: "noncompliance"

Insert: "on a long-term basis"

10. Page 2, line 1.

Strike: ": Privileged Document""

11. Page 2, line 2.



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Strike: "may"  
Insert: "must"

12. Page 2, line 3.  
Following: "purpose"  
Insert: "of"  
Following: "of"  
Insert: "conducting"  
Strike: ", including"  
Insert: ". These materials may include"  
Following: "but"  
Insert: "are"

13. Page 2, lines 6 through 13.  
Strike: "It" on line 6 through "noncompliance." on line 13  
Insert: "All environmental self-evaluation reports must:  
    (a) include the date or dates on which the environmental self-evaluation was conducted;  
and  
    (b) identify proposed corrective actions to resolve identified noncompliance issues in  
accordance with applicable environmental laws."

14. Page 2, line 15.  
Strike: "out"  
Insert: "because"

15. Page 2, line 18.  
Following: "resolve"  
Insert: "the violation"  
Strike: "reasonably"

16. Page 2, line 19.  
Following: "manner"  
Insert: "and corrects the violation according to the compliance plan approved by the regulatory agency"

17. Page 2, line 21.  
Following: "investigation"  
Insert: "and resolution"

18. Page 2, line 22.  
Following: "law"  
Insert: ", permit, order, or rule"

19. Page 2, line 28.  
Following: "self-evaluation"  
Insert: " or prepared an environmental self-evaluation report"  
Following: "or"  
Insert: "any person or entity"

20. Page 2, line 29.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Strike: "any" through "of"  
Strike: "and"  
Insert: "report or any matter"

21. Page 3, line 4.  
Strike: "by"  
Insert: "because of"

22. Page 3, line 13.  
Strike: "raised"  
Insert: "identified"  
Following: "self-evaluation"  
Insert: "report"

23. Page 3, line 16.  
Following: "a"  
Insert: "lawful"

24. Page 3, line 20.  
Strike: "material"  
Insert: "the report"

25. Page 3, line 22.  
Following: "purpose;"  
Insert: "(b) the environmental self-evaluation report was prepared to avoid disclosure of information:  
    (i) in an investigation or in an administrative or judicial proceeding that was under way  
        or imminent; or  
    (ii) for which the person or entity had been provided written notification that an  
        investigation into a specific violation had been initiated;"

26. Page 3, line 23.  
Strike: "(b)"  
Insert: "(c)"  
Strike: "material"  
Insert: "report"  
Strike: "or"

27. Page 3, line 24.  
Strike: "(c)"  
Insert: "(d)"  
Strike: "material"  
Insert: "report"

28. Page 3, line 25.  
Following: "the"  
Insert: "environmental"

29. Page 3, line 26.  
Following: "pursued"

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Insert: "to completion"

Following: "noncompliance"

Insert: "; or (e) information contained in the environmental self-evaluation report demonstrates a clear, present, and substantial impending danger to the public health or to the environment in areas outside the facility property"

30. Page 3, line 29.

Following: "diligence"

Insert: "toward completion"

Following: "party"

Insert: ", including the state in a criminal proceeding,"

31. Page 3, line 30 through page 4, line 2.

Following: "(3)(a)" on page 1, line 30

Insert: ", (3)(b), (3)(c), or (3)(e)"

Strike: "proving" on page 3, line 30 through "(3)(b)" on page 4, line 2

Insert: "proof"

32. Page 4, line 7.

Following: "seal"

Strike: "and"

Insert: ", "

Following: "report"

Insert: ", and shall notify the owner or operator of its possession of the report"

33. Page 4, line 8.

Strike: "obtains the report"

Insert: "provides notice"

34. Page 4, line 21.

Following: "for"

Insert: "exclusion or"

35. Page 4, lines 25 and 26.

Strike: "specific" on line 25 through "in" on line 26

Insert: "all or a portion of"

36. Page 4, line 29.

Following: "are"

Insert: "not privileged and are"

37. Page 5, line 5.

Following: "agency"

Insert: ", except to the extent derived from a voluntary disclosure"

Strike: "or"

38. Page 5, line 6.

Following: "obtained"

Insert: "by a regulatory agency"



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Following: "self-evaluation"

Insert: "or from a voluntary disclosure;

(4) documents existing prior to the commencement of the environmental self-evaluation and independent of the environmental self-evaluation; or

(5) any information not privileged, pursuant to [section 3] or otherwise, that is developed or maintained in the course of regularly conducted business activity or regular practice"

39. Page 5, line 8.

Following: "limit,"

Insert: "expand,"

40. Page 5, line 12.

Following: "violation."

Insert: "(1)"

41. Page 5, line 15.

Strike: "(1)"

Insert: "(a)"

42. Page 5, line 17.

Strike: "(2)"

Insert: "(b)"

43. Page 5, line 18.

Strike: "(3)"

Insert: "(c)"

Strike: "environmental" through "health."

Insert: "harm to the public health or to the environment.

(2) The person or entity shall provide information in writing supporting its claim that the disclosure is voluntary at the time that the disclosure is made to the regulatory authority.

(3) The elimination of civil, criminal, or administrative penalties under this section does not apply if a person or entity has been found by a court or an administrative tribunal to have committed serious violations that constitute a pattern of continuous or repeated violations of environmental laws, rules, permit conditions, settlement agreements, or orders on consent and that were because of separate and distinct events giving rise to the violations within the 3-year period prior to the date of disclosure.

NEW SECTION. Section 8. Applicability. [This act] applies to:

(1) only those environmental self-evaluations that result in environmental self-evaluation reports;

(2) voluntarily disclosed violations that are disclosed after [the effective date of this act]; and

(3) all legal actions and administrative actions commenced on or after [the effective date of this act].

NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval.

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

NEW SECTION. Section 10. Termination. [This act] terminates June 30, 2001."

And, as amended, do pass. Report adopted.

**HB 472**, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: second "to"

Insert: "temporarily"

2. Page 1, line 20.

Following: "governor", "convene", and "basis"

Strike: ", "

3. Page 2, line 26.

Following: "or"

Insert: "allow"

4. Page 10, line 20.

Following: "(4)"

Insert: "(a)"

5. Page 10, lines 22 through 24.

Strike: "Except" on line 22 through "permit." on line 24

Insert: "(b) An appropriator, other than an appropriator identified in subsection (7), may object:

(i) during the initial temporary change application process;

(ii) during the temporary change renewal process; and

(iii) once during the term of the temporary change permit."

And, as amended, do pass. Report adopted.

**HB 478**, introduced bill, be amended as follows:

1. Page 2, line 5.

Strike: "a significant"

Insert: "an adverse"

Following: "stream"

Insert: "due to soil erosion or sedimentation"

2. Page 8, line 14.

Strike: "of" through "more than"

Insert: "not to exceed"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/13/95

**HB 455**, introduced bill, be amended as follows:

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

1. Pages 1, line 28 through page 2, line 4.

Strike: "If" on page 1, line 28 through "supervisor" on page 2, line 4

Insert: "Except as provided in subsection (5)(b), if the number of candidates nominated is equal to or less than the number of positions to be elected, the election administrator shall give notice that an election will not be held.

(b) The governing body may require that an election be held if, not more than 10 days after the close of filing by candidates, the governing body passes a resolution to hold an election and notifies the election administrator.

(c) If an election is not held, the governing body shall declare elected by acclamation the candidate who filed a nominating petition for the position. If a candidate has not filed a nominating petition for the position, the governing body shall make an appointment to fill the position."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/14/95

SB 147, introduced by Hertel

SB 167, introduced by Benedict

SB 231, introduced by Mesaros

SB 238, introduced by Van Valkenburg

SB 250, introduced by L. Nelson

SB 259, introduced by Hargrove

SB 286, introduced by Franklin

SB 291, introduced by Gage

SB 302, introduced by Jabs

SB 319, introduced by Hertel

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 14, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 12 sponsored by Representative Quilici on February 14, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol

February 14, 1995



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 25 sponsored by Representative Peck on February 13, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 547**, introduced by Clark, referred to Committee on Judiciary.  
**HB 548**, introduced by Carey, referred to Committee on Select Health Care.  
**HB 549**, introduced by Shea, referred to Committee on Business & Labor.  
**HB 550**, introduced by Kasten, referred to Committee on Taxation.  
**HB 551**, introduced by Clark, referred to Committee on Judiciary.  
**HB 552**, introduced by Quilici, referred to Committee on Appropriations.  
**HB 553**, introduced by Grady, referred to Committee on Appropriations.  
**HB 554**, introduced by Harper, referred to Committee on Business & Labor.  
**HB 555**, introduced by Soft, referred to Committee on Human Services & Aging.  
**HB 556**, introduced by Simon, referred to Committee on Business & Labor.  
**HJR 23**, introduced by Clark, referred to Committee on Highways & Transportation.  
**HJR 24**, introduced by Grady, referred to Committee on Natural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Simpkins present at this time.

**HB 157** - Representative Denny moved HB 157 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon,

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Cocchiarella, Ellingson, Kasten, Wennemar.  
Total 4

Voted Absentee: Soft, Aye; Kasten, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 214** - Representative Kottel moved HB 214 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Cocchiarella, Ellingson.  
Total 2

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 122** - Representative Raney moved HB 122 do pass. Motion carried as follows:

Ayes: Anderson, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ewer, Fisher, Galvin, Green, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Knox, Kottel, Larson, McCann, McCulloch, McKee, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Sliter, Squires, Stovall, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook.  
Total 51

Noes: Ahner, Barnett, Bergman, Boharski, Brainard, Clark, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes,

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Fuchs, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Martinez, Masolo, McGee, Menahan, Mills, Murdock, Orr, Rose, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Swanson, Tash, Taylor, Vick, Mr. Speaker.  
Total 47

Voted Absentee: Kasten, Soft, Noes.

Excused: None.  
Total 0

Absent or not voting: Grinde, Wagner.  
Total 2

**HB 368** - Representative Holland moved HB 368 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 95

Noes: Elliott, Heavy Runner, L. Smith, Tuss, Wyatt.  
Total 5

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 375** - Representative Harper moved HB 375 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Noes: Feland, Heavy Runner, Kasten, Orr, Ryan.

Total 5

Voted Absentee: Kasten, No.

Excused: Soft.

Total 1

Absent or not voting: Jore.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved that the Committee of the Whole report be adopted. Report adopted. (92-0)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 62** passed as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bohlinger, Carey, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Tash, Taylor, Tropila, Wells, Wennemar, Zook, Mr. Speaker.

Total 63

Noes: Ahner, Arnott, Bergsagel, Boharski, Brainard, Clark, Cocchiarella, Feland, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Heavy Runner, Hibbard, Jore, Keenan, Marshall, McKee, Mills, Molnar, Pavlovich, Rehbein, Ryan, Sliter, S. Smith, Somerville, Story, Swanson, Trexler, Tuss, Vick, Wagner, Wyatt.

Total 35

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.

Total 0

Absent or not voting: Herron, Wiseman.

Total 2

**HB 74** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard,

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Carey, Cobb, Cocchiarella, Ellingson, Ewer, Galvin, Kadas, McCulloch, Ryan, Tuss.  
Total 10

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 217** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 220** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr,

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: DeBruycker, Grinde, Hayne, Jore, Murdock, Rehbein, Wagner.

Total 7

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher, S. Smith.

Total 2

**HB 253** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Barnett, Bergsagel, Boharski, Curtiss, DeBruycker, Denny, Devaney, Feland, Forbes, Grady, Grinde, M. Hanson, Hayne, R. Johnson, Jore, Kasten, Keenan, Knox, Martinez, McGee, Murdock, Nelson, Rehbein, Rose, Sliter, S. Smith, Taylor, Vick, Wagner.

Total 29

Voted Absentee: Soft, Aye; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 280** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 91

Noes: Cobb, Curtiss, Galvin, Grady, Kadas, Wyatt.  
Total 6

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.  
Total 0

Absent or not voting: Anderson, Feland, Fuchs.  
Total 3

**HB 301** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Feland, Fisher, Hayne, Jore, Keenan, Rose, L. Smith, Somerville, Taylor, Wagner.  
Total 10

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 352** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Noes: None.

Total 0

Voted Absentee: Soft, Aye.

Excused: Kasten.

Total 1

Absent or not voting: S. Smith.

Total 1

**HB 387** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.

Total 0

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 409** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Kottel, Schwinden, Tuss.

Total 3

HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.

Total 0

Absent or not voting: Ream.

Total 1

**SB 36** concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.

Total 0

Absent or not voting: Tropila.

Total 1

**MOTIONS**

**HB 62** - Representative Ahner moved she be allowed to change her vote on HB 62, third reading, from aye to nay. Motion carried.

**HB 368** - Representative L. Smith moved she be allowed to change her vote on HB 368, second reading, from aye to nay. Motion carried.

Representative Curtiss moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 157: Representative Kottel, Representative McCulloch, Representative Larson, Representative Heavy Runner, Representative Shea, Representative Galvin.



HOUSE JOURNAL  
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 14, 1995

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Wednesday, February 15, 1995. Motion carried.

House adjourned at 2:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 15, 1995

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Roger Somerville. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Galvin, Schwinden, Tropila, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

2/15/95

Correctly printed for second reading: HB 41, HB 150, HB 176, HB 231, HB 259, HB 269, HB 270, HB 289, HB 357, HB 362, HB 364, HB 365, HB 376, HB 408, HB 417, HB 421, HB 424, HB 425, HB 428, HB 432, HB 449, HB 458, HB 460, HB 462, HB 463, HB 448, HB 475, HB 479, HB 480, HB 482, HB 488, HB 494, HB 498, HB 499, HB 502, HB 527, HB 530, HB 536, HB 537, HB 547, HJR 21.

Correctly engrossed for third reading: HB 122, HB 157, HB 214, HB 368, HB 375.

BUSINESS & LABOR (Simon, Chairman):

2/14/95

**HB 269**, introduced bill, be amended as follows:

1. Title, lines 4 through 7.

Following: "OMBUDSMAN" on line 4

Strike: "AND HEARING BOARD"

Following: "OMBUDSMAN" on lines 5, 6, and 7

Strike: "AND BOARD"

2. Page 1, lines 11 and 23.

Page 4, line 1.

Strike: "3 and 5 through 12"

Insert: "7"

3. Page 1, line 12.

Following: "Ombudsman"

Strike: "and Hearing Board"

4. Page 1, line 18.

Following: "ombudsman"

Strike: "and a hearing board"

Following: "to"

Strike: "resolve the"

Insert: "collect data and provide information regarding"

5. Page 1, line 20.

Following: "in"

Strike: "an equitable implementation of"

Insert: "providing information on"

6. Page 1, line 25.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Strike: subsection (1) in its entirety  
Renumber: subsequent subsections

7. Page 2, line 2.

Strike: "5"

Insert: "4"

8. Page 2, lines 8 through 22.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 2, line 25.

Following: first "and"

Strike: "resolve"

Insert: "collect data and provide information regarding"

10. Page 2, line 26.

Following: "by the"

Strike: "board"

Insert: "governor"

11. Page 2, line 27.

Following: "The"

Strike: "board"

Insert: "governor"

12. Page 2, line 29.

Following: "and"

Strike: "resolve"

Insert: "collect data and provide information regarding"

13. Page 3, lines 9 through 17.

Strike: subsections (3), (4), and (5) in their entirety

Renumber: subsequent subsections

14. Page 3, line 24.

Strike: "least 48 hours prior to"

Insert: "the time of"

15. Page 3, line 25.

Strike: "least 48 hours prior to"

Insert: "the time of"

16. Page 3, line 27.

Following: "subsection"

Strike: "(6)"

Insert: "(3)"

17. Page 3, line 28.



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Strike: "12"

Insert: "7"

18. Page 4, line 4 through line 23 on page 5.

Strike: sections 6 through 9 in their entirety

Renumber: subsequent sections

19. Page 5, lines 26 and 27.

Following: "ombudsman" on line 26

Strike: the remainder of lines 26 and 27

20. Page 6, lines 1 and 2.

Following: "through"

Strike: "12"

Insert: "7"

21. Page 6, line 3.

Strike: "at least 48 hours before"

Insert: "when"

22. Page 6, lines 12 through 17

Strike: "and the board" in three places

23. Page 6, lines 20 through 22.

Strike: section 14 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 408**, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: "."

Insert: "The term does not include functions performed by a criminal justice agency."

2. Page 2, lines 11 and 12.

Following: the first "hearing" on line 11

Strike: the remainder of line 11 and line 12 in its entirety

Insert: "on a preponderance of the substantive issues in the proceeding."

3. Page 2, line 14.

Following: "with"

Strike: "a net worth of less than \$3 million and"

Following: "than"

Strike: "250"

Insert: "100"

4. Page 2, line 19.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Following: "means"

Strike: "reasonable in both law and fact"

Insert: "well-grounded in fact and warranted by existing law or a good faith argument for the extension or modification of existing law"

And, as amended, do pass. Report adopted.

**HB 432**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "TRANSFERRING"

Insert: "LICENSURE FUNCTIONS OF THE"

2. Title, line 6.

Following: "INVESTIGATION"

Insert: "PROGRAM"

3. Title, lines 8 and 9.

Strike: "2-15-1519" through "50-3-109, on line 9

Insert: "39-71-201,"

Strike: "50-37-107,"

4. Title, lines 10 through 12.

Strike: "50-61-102" through "50-62-110," on line 12

Insert: "AND"

5. Title, lines 12 through 14.

Strike: "52-2-733" through "77-5-104," on line 13

Following: "MCA;"

Strike: "REPEALING SECTION 2-15-2005, MCA;"

6. Page 1, line 18 through page 7, line 11.

Strike: sections 1 through 10 in their entirety

Renumber: subsequent sections

7. Page 7, line 12.

Insert: "Section 1. Section 39-71-201, MCA, is amended to read:

"39-71-201. Administration fund. (1) A workers' compensation administration fund is established out of which all costs of administering the Workers' Compensation and Occupational Disease Acts and the various occupational safety acts the department and the boiler inspections the department of commerce must administer, with the exception of the subsequent injury fund, as provided for in 39-71-907, and the uninsured employers' fund, are to be paid upon lawful appropriation. The following money collected by the department must be deposited in the state treasury to the credit of the workers' compensation administrative fund and must be used for the administrative expenses of the department and for the administrative expenses of the department of commerce for the purposes of 50-74-101:

(a) all fees and penalties provided in 39-71-205 and 39-71-304;

(b) all fees paid for ~~inspection of boilers and~~ issuance of licenses to operating engineers as required by law;

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

(c) all fees paid from an assessment on each plan No. 1 employer, plan No. 2 insurer, and plan No. 3, the state fund. The assessments must be levied against the preceding calendar year's gross annual payroll of the plan No. 1 employers and the gross annual direct premiums collected in Montana on the policies of the plan No. 2 insurers, insuring employers covered under the chapter, during the preceding calendar year. However, an assessment of the plan No. 1 employer or plan No. 2 insurer may not be less than \$200. If at any time during the fiscal year a plan No. 1 employer is granted permission to self-insure or a plan No. 2 insurer is authorized to insure employers under this chapter, that plan No. 1 employer or plan No. 2 insurer is subject to assessment. The assessments must be sufficient to fund the direct costs identified to the three plans and an equitable portion of the indirect costs based on the ratio of the preceding fiscal year's indirect costs distributed to the plans, using proper accounting and cost allocation procedures. Plan No. 3 must be assessed an amount sufficient to fund the direct costs and an equitable portion of the indirect costs of regulating plan No. 3. Other sources of revenue, including unexpended funds from the preceding fiscal year, must be used to reduce the costs before levying the assessments.

(2) The administration fund must be debited with expenses incurred by the department in the general administration of the provisions of this chapter, including the salaries of its members, officers, and employees and the travel expenses of the members, officers, and employees, as provided for in 2-18-501 through 2-18-503, as amended, incurred while on the business of the department either within or without the state.

(3) Disbursements from the administration money must be made after being approved by the department upon claim therefor."

Renumber: subsequent sections

8. Page 7, line 23.

Strike: "commerce"

Insert: "justice"

9. Page 8, line 19 through page 9, line 6.

Strike: section 12 in its entirety

Renumber: subsequent sections

10. Page 10, line 11.

Strike: "The"

Insert: "When requested by the"

11. Page 10, line 12.

Following: "commerce"

Strike: "may"

Insert: ", the department of justice shall"

Following: "inspections"

Strike: ", "

Insert: "of the applicant's business facilities and shall report to the department of commerce the results of its inspection. The department of commerce may consider the inspection report and conduct"

Following: "examinations"

Strike: ", "

12. Page 10, line 22.

Strike: "department"

Insert: "departments of commerce and justice"

13. Page 10, line 28 through page 18, line 10.



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Strike: sections 19 through 35 in their entirety  
Renumber: subsequent sections

14. Page 18, line 20 through page 25, line 15.  
Strike: sections 37 through 47 in their entirety  
Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 428**, introduced bill, be amended as follows:

1. Page 3, line 23.

Following: "~~and~~"

Insert: "doing business in this state and"

2. Page 5, line 6.

Insert: "(7) A branch bank may be relocated with the approval of the state banking board in the city or within 3,000 feet of the city limits in which it is located. Upon relocation, the branch may not be closer than 200 feet to a branch or detached facility operated by any other bank or closer than 300 feet to the main banking house of any other bank, the measurements to be made in a straight line from the closest points of the closest structures involved. The distances specified in this subsection in relation to a branch or detached facility operated by any other bank and in relation to the main banking house of any other bank may be decreased by mutual written agreement of the banks involved to not closer than 150 feet to a branch or detached facility operated by any other bank or closer than 200 feet to the main banking house of any other bank, the measurements to be made in a straight line from the closest points of the closest structures involved."

3. Page 7, line 9.

Following: "company"

Strike: "with headquarters in another state"

4. Page 8, line 15.

Following: ". "

Insert: "Upon completion of the sale, the purchasing bank may operate a branch bank at the selling bank's former branch bank location."

5. Page 8, line 25.

Strike: "nonstate"

Insert: "national"

6. Page 11, line 28.

Following: "account"

Strike: "and to impose a surcharge for the transfer"

7. Page 12, line 3.

Following: "telephone"

Strike: ", "

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

8. Page 14, line 13.

Following: "(3)"

Insert: "The owner of an electronic terminal may impose a surcharge for the use of its electronic terminal."

Strike: "A financial institution"

Insert: "The owner of an electronic terminal"

Following: "of"

Strike: "an"

Insert: "its"

9. Page 14, line 14.

Following: "terminal,"

Insert: "by a conspicuous disclosure on the terminal or"

And, as amended, do pass. Report adopted.

**HB 460**, introduced bill, do pass. Report adopted.

**HB 462**, introduced bill, be amended as follows:

1. Title, line 9.

Following: "39-71-118,"

Insert: "39-71-743,"

2. Page 4, line 14.

Insert: "Section 2. Section 39-71-743, MCA, is amended to read:

"39-71-743. Assignment or attachment of payments. (1) ~~No payments~~ Payments under this chapter ~~shall~~ may not be assignable, subject to attachment or garnishment, or ~~be~~ held liable in any way for debts, except:

(a) as provided in 71-3-1118; ~~or~~

(b) a portion of any lump-sum award or periodic payment to pay a monetary obligation for current or past-due child support, subject to the limitations in subsection (2), whenever the support obligation is established by order of a court of competent jurisdiction or by order rendered in an administrative process authorized by state law; or

(c) as provided in 53-2-612 or 53-2-613 for medical benefits paid pursuant to chapter 71 or 72 of this title.

(2) Payments under this chapter are subject to assignment, attachment, or garnishment for child support as follows:

(a) for any periodic payment, an amount up to the percentage amount established in the guidelines promulgated by the department of social and rehabilitation services pursuant to 40-5-209; or

(b) for any lump-sum award, an amount up to that portion of the award that is approved for payment on the basis of a past-due child support obligation.

(3) After determination that the claim is covered under the Workers' Compensation Act or Occupational Disease Act of Montana, the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. Except as provided in 39-71-704(7), a fee or charge is not payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer.""

Renumber: subsequent sections

3. Page 4, line 25.

Following: first "fund"

Insert: "common stock"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Following: second "of the"  
Insert: "state"  
Following: "fund"  
Insert: "total invested assets"

4. Page 4, line 26.  
Following: first "the"  
Strike: "stock of"  
Insert: "book value of common stock investments in"  
Following: "fund"  
Insert: "total invested assets on the date of purchase"

And, as amended, do pass. Report adopted.

**HB 463**, introduced bill, do pass. Report adopted.

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman):  
**HB 365**, introduced bill, do pass. Report adopted.

2/14/95

**HB 479**, introduced bill, be amended as follows:

1. Page 3, line 4.  
Strike: "December"  
Insert: "March"

And, as amended, do pass. Report adopted.

**HB 480**, introduced bill, do pass. Report adopted.

**HJR 21**, introduced bill, do pass. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman):  
**HB 364**, introduced bill, do pass. Report adopted.

2/14/95

**HB 448**, introduced bill, be amended as follows:

1. Page 1, line 12.  
Following: "feet"  
Insert: "within its right-of-way"

2. Page 1, lines 12 and 13.  
Strike: "on" on line 12 through "roadbed" on line 13

3. Page 1, line 13.  
Strike: "in this state"

4. Page 1, line 14.  
Following: first "or"



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Insert: "dangerous or"

5. Page 1, line 17.

Following: "trains"

Insert: ", track maintenance, or other railroad operations"

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/14/95

**HB 41**, introduced bill, be amended as follows:

1. Title, lines 5 through 9.

Following: "'AN ACT"

Strike: lines 5 through 9 in their entirety

Insert: "PROVIDING A PROCEDURE BY WHICH MEDICATION MAY BE INVOLUNTARILY ADMINISTERED TO A PATIENT AT A MENTAL HEALTH FACILITY; PROVIDING PROTECTIONS FOR THE PATIENT; PROVIDING FOR AN ANNUAL REPORT TO THE GOVERNOR; AND AMENDING SECTIONS 53-21-104 AND 53-21-127, MCA.""

2. Page 1, line 13 through page 23, line 24.

Strike: everything following the enacting clause

Insert: "Section 3. Section 53-21-104, MCA, is amended to read:

"53-21-104. Powers and duties of mental disabilities board of visitors. (1) The board is an independent board of inquiry and review to assure that the treatment of all persons either voluntarily or involuntarily admitted to a mental facility is humane and decent and meets the requirements set forth in this part.

(2) The board shall review all plans for experimental research involving persons admitted to a mental health facility to assure that the research project is humane and not unduly hazardous and that it complies with the principles of the statement on the use of human subjects for research of the American association on mental deficiency and with the principles for research involving human subjects required by the United States department of health, education, and welfare. An experimental research project involving persons admitted to a mental health facility affected by this part may not be commenced unless it is approved by the mental disabilities board of visitors.

(3) The board shall at least annually inspect every mental health facility which is providing treatment and evaluation to any person pursuant to this part. The board shall inspect the physical plant, including residential, recreational, dining, and sanitary facilities. It shall visit all wards and treatment areas. The board shall inquire concerning all treatment programs being implemented by the facility.

(4) The board shall annually insure that a treatment plan exists and is being implemented for each patient admitted or committed to a mental health facility under this part. The board shall inquire concerning all use of restraints, isolation, or other extraordinary measures.

(5) The board may assist any patient at a mental health facility in resolving any grievance the patient may have concerning the patient's commitment or course of treatment in the facility.

(6) The board shall employ and be responsible for full-time legal counsel at the state hospital, whose responsibility is to act on behalf of all patients at the institution. The board shall insure that there is sufficient legal staff and facilities to insure availability to all patients and shall require that the appointed counsel periodically interview every patient and examine the patient's files and records. The board may employ additional legal counsel for representation of patients in a similar manner at any other mental health facility having inpatient capability.

(7) If the board believes that any facility is failing to comply with the provisions of this part in regard to its physical facilities or its treatment of any patient, it shall report its findings at once to the professional person in charge of the facility and the director of the department, and if appropriate, after waiting a reasonable time for a

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

response from the professional person, the board may notify the next of kin or guardian of any patient involved, the friend of respondent appointed by the court for any patient involved, and the district court which has jurisdiction over the facility.

(8) The board shall report annually to the governor concerning:

(a) the status of the mental health facilities and treatment programs which it has inspected; and  
(b) medications involuntarily administered to patients in mental health facilities and the effectiveness of the review procedure required by 53-21-127(2) in protecting patients from unnecessary or excessive medication."

Section 4. Section 53-21-127, MCA, is amended to read:

"53-21-127. (Temporary) Posttrial disposition. (1) If, upon trial, it is determined that the respondent is not mentally ill or seriously mentally ill within the meaning of this part, ~~he shall~~ the respondent must be discharged and the petition dismissed.

(2) (a) If it is determined in a proceeding under 53-21-121(1)(a) that the respondent is seriously mentally ill within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing shall be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent. At the conclusion of the disposition hearing, the court shall:

(i) commit the respondent to a facility for a period of not more than 3 months;  
(ii) order the respondent to be placed in the care and custody of ~~his~~ a relative or guardian or some other appropriate place other than an institution;

(iii) order outpatient therapy; or

(iv) make some other appropriate order for treatment.

(b) No treatment ordered pursuant to this subsection may affect the respondent's custody for a period of more than 3 months.

(c) In determining which of the above alternatives to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment. The court shall consider and shall describe in its order what alternatives for treatment of the respondent are available, what alternatives were investigated, and why the investigated alternatives were not deemed suitable. The court may authorize the chief medical officer of a facility to administer appropriate medication involuntarily if the court finds that involuntary medication is necessary to protect the respondent and the public and to facilitate effective treatment. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working days after the beginning of the involuntary administration. The medication review committee must include at least one person who is not an employee of the facility. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The court shall enter into the record a detailed statement of the facts upon which it found the respondent to be seriously mentally ill and, if the court authorized involuntary medication, of the facts upon which it found involuntary medication to be necessary.

(3) If it is determined in a proceeding under 53-21-121(1)(b) that the respondent is mentally ill within the meaning of this part, the court shall order that he receive treatment for a period of no more than 30 days. The court shall choose the least restrictive course of treatment reasonably available to the respondent. The court must make a separate finding, setting forth the reason therefor if the order includes a requirement of inpatient treatment or involuntary medication. The court may not order inpatient treatment in the Montana state hospital at Warm Springs under this subsection (3). The respondent may not be required to pay for court-ordered treatment unless he is financially able.



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

(4) Before ordering any treatment for a respondent found to be mentally ill under subsection (3), the court shall make findings of fact that treatment appropriate to the needs of the respondent is available. The court shall also indicate on the order the name of the facility that is to be responsible for the management and supervision of the respondent's treatment. No person may use physical force to administer medication. A court may use any legal means to enforce an order to take medication, including immediate detention not to exceed 72 hours, until the mentally ill person can be returned to the court. (Terminates July 1, 1997--sec. 1, Ch. 541, L. 1989.)

53-21-127. (Effective July 1, 1997) Posttrial disposition. (1) If, upon trial, it is determined that the respondent is not seriously mentally ill within the meaning of this part, ~~he shall~~ the respondent must be discharged and the petition dismissed.

(2) (a) If it is determined that the respondent is seriously mentally ill within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing shall be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent. At the conclusion of the disposition hearing, the court shall:

(i) commit the respondent to a facility for a period of not more than 3 months;

(ii) order the respondent to be placed in the care and custody of ~~his~~ a relative or guardian or some other appropriate place other than an institution;

(iii) order outpatient therapy; or

(iv) make some other appropriate order for treatment.

(b) No treatment ordered pursuant to this subsection may affect the respondent's custody for a period of more than 3 months.

(c) In determining which of the above alternatives to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment. The court shall consider and shall describe in its order what alternatives for treatment of the respondent are available, what alternatives were investigated, and why the investigated alternatives were not deemed suitable. The court may authorize the chief medical officer of a facility to administer appropriate medication involuntarily if the court finds that involuntary medication is necessary to protect the respondent and the public and to facilitate effective treatment. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working days after the beginning of the involuntary administration. The medication review committee must include at least one person who is not an employee of the facility. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The court shall enter into the record a detailed statement of the facts upon which it found the respondent to be seriously mentally ill and, if the court authorized involuntary medication, of the facts upon which it found involuntary medication to be necessary."

And, as amended, do pass. Report adopted.

**HB 150**, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "41-5-523."

Insert: "However, the committee may not substitute its judgment for that of the superintendent of a state youth correctional facility regarding the discharge of a youth from the facility."



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

2. Page 1, line 24.

Following: "~~a representative~~"

Insert: "two"

3. Page 1, line 27.

Strike: "a youth"

Insert: "either the chief probation officer or the youth's"

4. Page 1, line 29.

Strike: "and"

5. Page 2, line 1.

Following: "matters"

Insert: ";

(g) a parent or guardian; and

(h) a youth services provider"

6. Page 2, lines 16 and 17.

Strike: "at Mountain" on line 16 through "school" on line 17

Insert: "at a state youth correctional facility"

7. Page 2, lines 17 through 20.

Strike: ", except" on line 17 through "facility" on line 20

8. Page 2, line 22.

Following: "reviews"

Insert: "at least semiannually and at other times"

9. Page 3, line 6.

Strike: "recommend"

10. Page 3, line 7.

Strike: "another"

Insert: "make an"

Strike: "for consideration by the committee"

11. Page 3, lines 15 and 16.

Strike: "The" on line 15 through "court" on line 16

Insert: "Within 72 hours after making a decision on a placement or change of placement, the department shall notify the youth court of the decision and of the placement or change of placement"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/14/95

HB 362, introduced bill, be amended as follows:

1. Page 1, line 7.

Following: "ISSUE;"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Insert: "REQUIRING DISCLOSURE OF COSTS FOR ISSUING PUBLIC STATEMENTS;"

2. Page 2, line 6.

Following: "issuing"

Insert: "public"

3. Page 2, line 7.

Following: "office."

Insert: "However, a document that is published pursuant to this subsection (3)(b) and that is aimed at supporting or opposing a political committee, a candidate, or a ballot issue must include a written statement disclosing the costs incurred to produce the document. The statement must meet the specifications described in 18-7-306, and the costs must be estimated based on the factors listed in 18-7-307. Documentation of the cost of publication must be filed with the commissioner of political practices."

And, as amended, do pass. Report adopted.

**HB 376**, introduced bill, be amended as follows:

1. Page 1, line 22.

Strike: "Native American languages or"

2. Page 1, line 24.

Following: line 23

Insert: "(4) This section is not intended to limit the use of any other language by a tribal government. A school district and a tribe, by mutual agreement, may provide for the instruction of students that recognizes the cultural identity of Native American children and promotes the use of a common language for communication."

And, as amended, do pass. Report adopted.

**HB 494**, introduced bill, be amended as follows:

1. Page 1, lines 21 and 22.

Strike: "of" on line 21 through "site" on line 22

Insert: "on the north side of the capitol"

2. Page 1, line 23.

Following: "officers."

Insert: "The area must be agreed upon between the Montana highway patrol and the department of fish, wildlife, and parks and must maintain the historical design integrity of the block on which the capitol is located, also known as capitol square."

3. Page 1, line 24.

Following: "constructed"

Insert: "to consider long-term maintenance efficiency"

Following: "and"

Insert: "must be"

Following: "donations"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Insert: ". "  
Strike: "but"  
Insert: "The memorial"  
Following: "maintained"  
Insert: "with the assistance of private donations"

4. Page 1, line 25.  
Strike: "as provided in 2-17-111"  
Following: "grounds"  
Insert: "maintenance program provided in 2-17-111"

And, as amended, do pass. Report adopted.

SB 37, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/15/95

SB 264, introduced by Gage  
SB 271, introduced by Burnett  
SB 288, introduced by Keating  
SJR 6, introduced by Brown

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 14, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 10 sponsored by Representative McCann on February 14, 1995.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 14, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 118 sponsored by Representative Devaney on February 14, 1995.



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 14, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 193 sponsored by Representative Larson on February 14, 1995.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 557**, introduced by Ellingson, referred to Committee on Business & Labor.  
**HB 558**, introduced by Martinez, referred to Committee on Taxation.  
**HB 559**, introduced by Menahan, referred to Committee on Business & Labor.  
**HB 560**, introduced by Simon, referred to Committee on Select Health Care.  
**HB 561**, introduced by Larson, referred to Committee on Taxation.  
**HB 562**, introduced by Wennemar, referred to Committee on Taxation.  
**HB 563**, introduced by Sliter, referred to Committee on State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 13**, introduced by Halligan, referred to Committee on Judiciary.  
**SB 17**, introduced by Keating, referred to Committee on Human Services & Aging.  
**SB 19**, introduced by Gage, referred to Committee on Business & Labor.  
**SB 22**, introduced by Gage, referred to Committee on Business & Labor.  
**SB 78**, introduced by Grosfield, referred to Committee on Natural Resources.  
**SB 80**, introduced by Keating, referred to Committee on Business & Labor.  
**SB 83**, introduced by Grosfield, referred to Committee on Appropriations.  
**SB 103**, introduced by Hargrove, referred to Committee on Highways & Transportation.  
**SB 114**, introduced by Mohl, referred to Committee on Highways & Transportation.  
**SB 122**, introduced by Toews, referred to Committee on Natural Resources.  
**SB 124**, introduced by Crismore, referred to Committee on Human Services & Aging.  
**SB 126**, introduced by Beck, referred to Committee on Taxation.  
**SB 129**, introduced by Stang, referred to Committee on Highways & Transportation.  
**SB 134**, introduced by Klampe, referred to Committee on Human Services & Aging.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

- SB 135, introduced by Cole, referred to Committee on Local Government.
- SB 147, introduced by Hertel, referred to Committee on Natural Resources.
- SB 151, introduced by Bartlett, referred to Committee on Business & Labor.
- SB 153, introduced by Brooke, referred to Committee on Natural Resources.
- SB 156, introduced by Waterman, referred to Committee on Appropriations.
- SB 153, introduced by L. Nelson, referred to Committee on Highways & Transportation.
- SB 167, introduced by Benedict, referred to Committee on State/Federal Relations.
- SB 177, introduced by Foster, referred to Committee on Business & Labor.
- SB 181, introduced by Weldon, referred to Committee on Highways & Transportation.
- SB 182, introduced by Weldon, referred to Committee on Local Government.
- SB 186, introduced by Beck, referred to Committee on Natural Resources.
- SB 197, introduced by Gage, referred to Committee on Taxation.
- SB 200, introduced by Lynch, referred to Committee on Natural Resources.
- SB 201, introduced by Burnett, referred to Committee on Business & Labor.
- SB 202, introduced by Jergeson, referred to Committee on State Administration.
- SB 204, introduced by Grosfield, referred to Committee on Natural Resources.
- SB 207, introduced by Mesaros, referred to Committee on Agriculture, Livestock & Irrigation.
- SB 208, introduced by Mesaros, referred to Committee on Local Government.
- SB 209, introduced by Swysgood, referred to Committee on Human Services & Aging.
- SB 210, introduced by Bishop, referred to Committee on Fish & Game.
- SB 216, introduced by Beck, referred to Committee on Business & Labor.
- SB 217, introduced by Doherty, referred to Committee on Human Services & Aging.
- SB 218, introduced by Christiaens, referred to Committee on Judiciary.
- SB 221, introduced by Doherty, referred to Committee on State Administration.
- SB 222, introduced by Cole, referred to Committee on Local Government.
- SB 224, introduced by Christiaens, referred to Committee on Business & Labor.
- SB 228, introduced by Van Valkenburg, referred to Committee on Business & Labor.
- SB 231, introduced by Mesaros, referred to Committee on Natural Resources.
- SB 235, introduced by Miller, referred to Committee on Taxation.
- SB 238, introduced by Van Valkenburg, referred to Committee on Business & Labor.
- SB 242, introduced by Gage, referred to Committee on Business & Labor.
- SB 243, introduced by Wilson, referred to Committee on Business & Labor.
- SB 244, introduced by Waterman, referred to Committee on Human Services & Aging.
- SB 250, introduced by L. Nelson, referred to Committee on Education & Cultural Resources.
- SB 255, introduced by Franklin, referred to Committee on Taxation.
- SB 259, introduced by Hargrove, referred to Committee on Fish & Game.
- SB 265, introduced by Beck, referred to Committee on Appropriations.
- SB 268, introduced by Hargrove, referred to Committee on Highways & Transportation.
- SB 269, introduced by Crippen, referred to Committee on Fish & Game.
- SB 270, introduced by Burnett, referred to Committee on Human Services & Aging.
- SB 272, introduced by Grosfield, referred to Committee on Judiciary.
- SB 275, introduced by Devlin, referred to Committee on Business & Labor.
- SB 278, introduced by Brooke, referred to Committee on Judiciary.
- SB 279, introduced by L. Nelson, referred to Committee on State Administration.
- SB 284, introduced by Van Valkenburg, referred to Committee on State Administration.
- SB 286, introduced by Franklin, referred to Committee on Judiciary.
- SB 289, introduced by Brooke, referred to Committee on Agriculture, Livestock & Irrigation.
- SB 291, introduced by Gage, referred to Committee on Education & Cultural Resources.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

**SB 297**, introduced by Doherty, referred to Committee on Judiciary.  
**SB 302**, introduced by Jabs, referred to Committee on Business & Labor.  
**SB 305**, introduced by Mesaros, referred to Committee on Taxation.  
**SB 319**, introduced by Hertel, referred to Committee on Agriculture, Livestock & Irrigation.  
**SJR 8**, introduced by Emerson, referred to Committee on State Administration.  
**SJR 10**, introduced by Harding, referred to Committee on Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McGee in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 309** - Representative Grimes moved HB 309 do pass.

Representative Wyatt moved consideration of HB 309 be placed below HB 315 on the second reading board. Motion carried.

Representative Ahner excused at this time.

**HB 322** - Representative Hibbard moved HB 322 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cocchiarella, Heavy Runner.

Total 2

Voted Absentee: Ahner, Galvin, Schwinden, Tropila, Ayes.

Excused: None.

Total 0

Absent or not voting: Herron, Keenan, Martinez, Nelson, Shea.

Total 5

**HB 323** - Representative Ryan moved HB 323 do pass. Motion carried as follows:



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Barnhart, Cocchiarella, Ellingson, Heavy Runner, Shea.

Total 5

Voted Absentee: Ahner, Galvin, Schwinden, Tropila, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 315** - Representative Harrington moved HB 315 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Ahner, Galvin, Schwinden, Tropila, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 309** - Representative Wyatt moved HB 309, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Galvin, Hagener, Harper, Harrington,

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 33

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Voted Absentee: Galvin, Tropila, Ayes.

Excused: Ahner, Schwinden.

Total 2

Absent or not voting: None.

Total 0

Representatives Galvin and Tropila present at this time.

Representative Grimes moved HB 309 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Galvin, Hagener, Harper, Harrington, Hurdle, Kadas, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 31

Voted Absentee: Ahner, Schwinden, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 345** - Representative R. Johnson moved HB 345 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark,

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Cobb, Fuchs, Kasten, Rehbein.

Total 5

Voted Absentee: Ahner, Schwinden, Ayes.

Excused: None.

Total 0

Absent or not voting: Grady, Murdock.

Total 2

**HB 354** - Representative Mills moved HB 354 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Arnott, Boharski, Brainard, Denny, Feland, Harper, R. Johnson, Jore, Kasten, Peck, Raney, Schwinden, Story, Vick.

Total 14

Voted Absentee: Ahner, Aye; Schwinden, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Ahner present at this time.

**HB 355** - Representative Rehbein moved HB 355 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark,



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Arnott.

Total 1

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: Forbes, R. Johnson, Simon, Simpkins, Wennemar.

Total 5

**HB 371** - Representative L. Smith moved HB 371 do pass. Motion failed as follows:

Ayes: Ahner, Anderson, Bergman, Boharski, Brainard, Carey, Clark, Curtiss, DeBruycker, Fisher, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Keenan, Kottel, Martinez, McCulloch, McGee, Mills, Nelson, Orr, Ryan, Schwinden, Shea, Sliter, L. Smith, S. Smith, Swanson, Tash, Wells, Wiseman, Wyatt.

Total 36

Noes: Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Hagener, Hayne, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McKee, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Simon, Simpkins, Soft, Somerville, Squires, Story, Stovall, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wennemar, Zook, Mr. Speaker.

Total 63

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: Menahan.

Total 1

**HB 444** - Representative Harper moved HB 444, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 16.

Page 5, line 7

Following: "CONDUCT"

Insert: "with an animal"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Following: IN

Insert: "45-2-101 and prohibited under"

Amendment #1 passed as follows:

Ayes: Anderson, Barnhart, Bergsagel, Bohlinger, Carey, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grady, Grinde, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Pavlovich, Peck, Raney, Ream, Rose, Ryan, Shea, Simon, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 57

Noes: Ahner, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Feland, Forbes, Fuchs, Green, Grimes, H.S. Hanson, M. Hanson, Hayne, Jore, Kasten, Knox, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Vick, Wagner, Wells.

Total 40

Excused: Schwinden.

Total 1

Absent or not voting: Keenan, McCann.

Total 2

Representative Harper moved HB 444, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Kasten, Knox.

Total 3

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 311** - Representative Grinde moved HB 311 do pass. Motion carried as follows:

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Schwinden.

Total 1

Voted Absentee: Schwinden, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 332** - Representative Clark moved HB 332 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.

Total 94

Noes: Barnhart, Galvin, Heavy Runner.

Total 3

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: McCann, Nelson, Zook.

Total 3

**HB 389** - Representative Larson moved HB 389 do pass. Motion carried as follows:

Ayes: Arnott, Barnett, Bergsagel, Bohlinger, Brainard, Carey, Curtiss, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner,



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Story, Stovall, Tash, Taylor, Tropila, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 62

Noes: Ahner, Anderson, Barnhart, Bergman, Boharski, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Ewer, Galvin, Green, Grimes, Harper, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Keenan, Marshall, McGee, Mills, Raney, Ream, Simpkins, S. Smith, Somerville, Squires, Swanson, Trexler, Vick, Wagner, Wells, Wyatt.  
Total 36

Voted Absentee: Schwinden, Aye.

Excused: None.  
Total 0

Absent or not voting: Molnar, Tuss.  
Total 2

**HB 436** - Representative Kottel moved HB 436 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Barnett, Boharski, DeBruycker, Denny, Feland, Fisher, Grimes, Jore, Kasten, Keenan, Menahan, Rehbein, Simon, Sliter, Vick, Wagner, Wells.  
Total 17

Voted Absentee: Schwinden, Aye.

Excused: None.  
Total 0

Absent or not voting: Arnott, Molnar.  
Total 2

**HB 442** - Representative H. Hanson moved consideration of HB 442 be passed for the day. Motion carried.

**HB 100** - Representative H. Hanson moved consideration of HB 100 be passed for the day. Motion carried.

**HB 467** - Representative Green moved HB 467 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark,

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Ohs, Orr, Peck, Ream, Rehbein, Rose, Ryan, Schwinden, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Harper, Hurdle, Kadas, Menahan, Nelson, Pavlovich, Quilici, Raney, Shea.

Total 16

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: Green, Simon, Story, Trexler.

Total 4

**HB 65** - Representative McKee moved consideration of HB 65 be passed for the day. Motion carried.

**HB 84** - Representative Story moved HB 84 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Hurdle.

Total 1

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: Ellis, Herron.

Total 2

**HB 117** - Representative Anderson moved HB 117 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Feland, Jore.  
Total 2

Voted Absentee: Schwinden, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative S. Hanson moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McGee moved that the Committee of the Whole report be adopted. Report adopted. (91-6)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 89** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Boharski, Brainard, DeBruycker, Feland, Jore, Keenan, McGee, Orr, L. Smith, S. Smith, Vick, Wagner, Wells.  
Total 13

Voted Absentee: Schwinden, Aye.

Excused: None.  
Total 0



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Absent or not voting: Grinde, Simpkins.

Total 2

**HB 110** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Ewer, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, McCulloch, Menahan, Ohs, Peck, Quilici, Raney, Ream, Ryan, Shea, Squires, Swanson, Tropila, Tuss, Wennemar.

Total 30

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

**HB 122** passed as follows:

Ayes: Anderson, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Fisher, Fuchs, Galvin, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Knox, Kottel, Larson, Martinez, McCann, McCulloch, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Squires, Swanson, Trexler, Tropila, Tuss, Wells, Wennemar, Wyatt, Zook.

Total 51

Noes: Ahner, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Forbes, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wiseman, Mr. Speaker.

Total 49

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

**HB 157** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Cocchiarella, Ellingson, Kasten.

Total 3

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: Grimes, Ohs.

Total 2

**HB 214** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Ellingson.

Total 1

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: Menahan.

Total 1

**HB 245** passed as follows:

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Barnett, Boharski, Brainard, DeBruycker, Denny, Green, M. Hanson, Hayne, Jore, Keenan, Knox, Marshall, Martinez, Molnar, Murdock, Taylor, Vick, Wagner, Wells.

Total 19

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 368** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Bergman, Elliott, Heavy Runner, Hurdle, McCann, Murdock, Pavlovich, Quilici, L. Smith, Tuss, Wyatt.

Total 12

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 375** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Curtiss, Feland, Jore, Kasten, Keenan, Orr, Rehbein, Ryan.

Total 8

Voted Absentee: Schwinden, Aye.

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**MOTIONS**

**HB 444** - Representative DeBruycker moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

Representative Somerville moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

Representative Feland moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

**HB 110** - Representative Tropila moved he be allowed to change his vote on HB 110, third reading, from aye to nay. Motion carried.

**HB 444** - Representative Sliter moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

Representative Jore moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried. (68-30)

**HB 444** - Representative T. Nelson moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

Representative L. Smith moved she be allowed to change her vote on HB 444, second reading, from not voting to nay. Motion carried.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

REPORTS OF STANDING COMMITTEES

BUSINESS & LABOR (Simon, Chairman):

2/14/95

**HB 475**, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "through"

Strike: "(8)"

Insert: "(9)"

2. Page 1, line 26.

Following: "through"

Strike: "(6)"

Insert: "(7)"

3. Page 2, following line 19.

Insert: "(5)(a) The Montana land title association shall establish the Montana land title foundation for the administration of the funds generated by the interest on trust accounts program for the following purposes:

(i) to support Montana nonprofit charitable organizations;

(ii) to provide continuing education programs for licensed title insurance agents; and

(iii) to promote knowledge and awareness of the real estate and title insurance industries.

(b) The foundation shall establish bylaws for the administration of the foundation in accordance with subsections (5)(a)(i) through (5)(a)(iii)."

Renumber: subsequent subsections

4. Page 3, lines 3 and 4.

Following: "for the" on line 3

Strike: "following"

Following: "purposes"

Insert: "set forth in subsections (5)(a)(i) through (5)(a)(iii)"

Following: "appropriate"

Strike: ".\_"

Insert: ".\_"

5. Page 3, lines 5 through 8.

Strike: subsections (a) through (d) in their entirety

And, as amended, do pass. Report adopted.

**HB 498**, introduced bill, be amended as follows:

1. Page 1, lines 20 through 23.

Strike: "should" on line 20 through "program" on line 23

Insert: "not impose additional burdens on the regulated community beyond federal requirements, while recognizing that the state program need not be identical to or administered and enforced in an identical manner to the federal program"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

2. Page 2, line 15.

Strike: "form"

Insert: "from"

3. Page 2, lines 24 and 25.

Strike: "may" on line 24 through "requirements" on line 25

Insert: "not more stringent than federal law"

4. Page 2, line 26.

Following: "rules"

Strike: "must"

Insert: "may"

5. Page 3, line 14.

Following: "interior"

Strike: "building"

Insert: "and exterior"

6. Page 4, line 10.

Strike: "prior to July 1, 1996,"

7. Page 4, line 14.

Following: "department"

Insert: "and based on rules adopted by the U.S. environmental protection agency"

8. Page 4, line 19.

Strike: "After June 30, 1996, a"

Insert: "A"

9. Page 4, line 21.

Following: "rule"

Insert: "and in conformance with rules adopted by the U.S. environmental protection agency"

And, as amended, do pass. Report adopted.

**HB 499**, introduced bill, do pass. Report adopted.

**HB 502**, introduced bill, do pass. Report adopted.

**HB 536**, introduced bill, be amended as follows:

1. Page 3, line 11.

Following: "same"

Strike: "administrative, financial, and"

2. Page 4, line 22.

Following: ":",

Strike: "and"



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

3. Page 4, line 24.

Following: "board"

Strike: "."

Insert: "; and (6) shall provide oral pharmaceutical consultation, as provided in 37-7-706, to the person to whom the prescription is being sent and shall document and maintain for a reasonable length of time a record of the pharmaceutical consultation."

And, as amended, do pass. Report adopted.

**HB 537**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "THE MAXIMUM ALLOWABLE NUMBER OF"

2. Page 1, lines 11 and 14.

Strike: "the maximum number of"

3. Page 1, line 18.

Strike: "a gambling"

Insert: "an on-premises alcoholic beverages"

Following: "was"

Insert: "granted or"

Strike: "September 1, 1994"

Insert: "January 1, 1995"

4. Page 2, lines 11 and 12.

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

5. Page 2, line 15.

Following: "businesses;"

Insert: "or"

6. Page 2, line 16.

Strike: subsection (iii) in its entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

**HB 488**, introduced bill, be amended as follows:

2/15/95

1. Page 3, line 10.

Following: "insurer"

Strike: "or its agent"

And, as amended, do pass. Report adopted.

**HB 527**, introduced bill, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

JUDICIARY (Clark, Chairman):

2/15/95

**HB 357**, introduced bill, do pass. Report adopted.

**HB 482**, introduced bill, do pass. Report adopted.

**HB 547**, introduced bill, do pass. Report adopted.

LOCAL GOVERNMENT (Boharski, Chairman):

2/15/95

**HB 231**, introduced bill, do pass. Report adopted.

**HB 259**, introduced bill, do pass. Report adopted.

**HB 270**, introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "the"

Insert: "that owner's"

And, as amended, do pass. Report adopted.

**HB 289**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "UTILITIES;"

Insert: "ELIMINATING THE REQUIREMENT FOR AN ANNUAL REPORT;"

2. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "69-7-102"

Insert: "AND 69-7-121"

3. Page 1, line 22.

Strike: "Section"

Insert: "Sections"

Following: "69-7-102"

Insert: "and 69-7-121"

Strike: "is"

Insert: "are"

And, as amended, do pass. Report adopted.

**HB 398**, introduced bill, do not pass. Report adopted.

**HB 417**, introduced bill, do pass. Report adopted.

**HB 421**, introduced bill, do pass. Report adopted.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

**HB 425**, introduced bill, do pass. Report adopted.

**HB 530**, introduced bill, be amended as follows:

1. Page 1, line 26.  
Following: "county"  
Strike: ", "  
Insert: "or an incorporated"  
Following: "city"  
Strike: ", "  
Following: "town"  
Strike: "as defined in 2-7-501(7)"
2. Page 1, line 28.  
Strike: "auditing"  
Insert: "accounting"
3. Page 1, lines 29 and 30.  
Strike: "and" on line 29 through "accounting" on line 30
4. Page 2, line 1.  
Strike: "method"
5. Page 2, line 13.  
Strike: "federal"  
Insert: "governmental"  
Strike: "advisory"
6. Page 2, line 29.  
Following: "hearings"  
Insert: ", pursuant to the provisions of 7-1-2121 or 7-1-4127,"

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/15/95

**HB 176**, introduced bill, be amended as follows:

1. Title, line 7.  
Strike: "MUST BE DEPOSITED IN THE STATE GENERAL FUND AND IS INTENDED TO"
2. Title, line 9.  
Following: "MCA;"  
Insert: "PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA;"  
Following: "DATE"  
Insert: "AND A TERMINATION DATE"
3. Page 1, lines 27 and 28.  
Strike: "STATE" on line 27 through "USED" on line 28



HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Insert: "account established in [section 2]"

4. Page 1, line 29.

Insert: "NEW SECTION. Section 2. Account established for court information technology -- statutory appropriation. (1) There is an account in the state special revenue fund for state funding of court information technology.

(2) Money collected pursuant to [section 1] must be deposited in this account.

(3) Money in this account is statutorily appropriated, as provided in 17-7-502, to the supreme court to be used for state funding of court information technology.

Section 3. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 3-5-901; [section 2]; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201; 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403; 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222; 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates July 1, 1995.) ""

Renumber: subsequent sections

5. Page 3, line 8.

Following: "(4)"

Insert: "(1)"

6. Page 3, line 12.

Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 3, chapter 5, part 9, and the provisions of Title 3, chapter 5, part 9, apply to [section 2]."

7. Page 3, line 13.

Following: "date"

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

Insert: "-- termination date"

Following: "date."

Insert: "(1)"

8. Page 3, line 14.

Insert: "(2) [This act] terminates June 30, 1999."

And, as amended, do pass. Report adopted.

**HB 424**, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: "taxes"

Strike: "and"

And, as amended, do pass. Report adopted.

**HB 449**, introduced bill, be amended as follows:

1. Page 3, line 23.

Strike: "state auditor"

Insert: "department of revenue"

2. Page 3, line 24.

Strike: "agencies. The state auditor"

Insert: "the state. The department"

3. Page 3, line 25.

Page 3, line 28.

Page 4, line 2.

Strike: "state auditor"

Insert: "department"

4. Page 3, line 30 through page 4, line 1.

Strike: "A" on page 3, line 30 through "office." on page 4, line 1

5. Page 5, line 24.

Following: "delinquent,"

Insert: "either proceed under subsection (7) or"

And, as amended, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Thursday, February 16, 1995. Motion carried.

HOUSE JOURNAL  
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 15, 1995

House adjourned at 3:00 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY**

Helena, Montana  
February 16, 1995

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Pastor Barbara Birkeland. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

2/16/95

Correctly printed for second reading: HB 92, HB 160, HB 192, HB 197, HB 221, HB 233, HB 249, HB 356, HB 369, HB 396, HB 407, HB 410, HB 420, HB 431, HB 433, HB 437, HB 461, HB 464, HB 468, HB 476, HB 485, HB 489, HB 504, HB 509, HB 518, HB 549, HB 556, HB 557, HB 559, HJR 23.

Correctly engrossed for third reading: HB 84, HB 117, HB 309, HB 311, HB 315, HB 322, HB 323, HB 332, HB 345, HB 354, HB 355, HB 389, HB 436, HB 444, HB 467.

**APPROPRIATIONS** (Zook, Chairman):

2/16/95

**HB 197**, introduced bill, be amended as follows:

1. Page 2, line 27.

Insert: "(4) Any investment of a reserve fund may not exceed 5 years, except when refunding an outstanding bond issue."

And, as amended, do pass. Report adopted.

**HB 420**, introduced bill, do pass. Report adopted.

**EDUCATION & CULTURAL RESOURCES** (Ellis, Chairman):

2/16/95

**HB 92**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "DISTRICT"

Insert: "WITH AN INDIAN STUDENT POPULATION OF 30 PERCENT OR MORE"

2. Page 1, line 29.

Following: "district"

Insert: ", "

Following: "20-6-101"

Insert: ", with an Indian student population of 30% or more"

And, as amended, do pass. Report adopted.

**HB 221**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "DUTIES OF"

Insert: "REQUIREMENT THAT"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

2. Title, lines 7 through 25.

Following: "SCHOOLS" ON LINE 7

Insert: "HOLD A VALID TEACHING CERTIFICATE AND HAVE AT LEAST 3 YEARS' TEACHING EXPERIENCE"

Following: "SCHOOLS;" on line 7

Strike: remainder of line 7 through "PROCEDURE;" on line 10

Insert: "ELIMINATING THE REQUIREMENT THAT THE COUNTY COMMISSIONERS CONTRACT WITH A PERSON WITH CERTAIN QUALIFICATIONS IN ORDER TO EXECUTE DUTIES WITH REGARD TO SCHOOL SUPERVISION AND SCHOOL CONTROVERSIES;"

Following: "SECTIONS" on line 10

Strike: remainder of line 10 through "20-3-106," on line 11

Following: "20-3-201,"

Strike: "20-3-202,"

Following: "20-3-204,"

Strike: remainder of line 11 through "20-9-348," on line 25

Strike: "A DELAYED" on line 25

Insert: "AN IMMEDIATE"

3. Page 1, line 29 through page 108, line 2.

Strike: everything following the enacting clause

Insert: "Section 4. Section 20-3-201, MCA, is amended to read:

"20-3-201. Election and qualifications -- part-time office allowed. (1) A county superintendent must be elected in each county of the state unless a county manager form of government has been organized in the county. The county superintendent must be elected at the general election preceding the expiration of the term of office of the incumbent.

~~(2) Upon verification by the county clerk and recorder, a person is qualified to file for and assume the office of county superintendent who:~~

~~(a) is a qualified elector;~~

~~(b) holds a valid, current class 1 professional certificate, class 2 standard certificate, or class 3 administrative and supervisory certificate issued by the superintendent of public instruction; and~~

~~(c) has at least 3 years of successful teaching experience.~~

~~(3) (a) (2) (a)~~ When the office of county superintendent of schools is consolidated with ~~another one or more~~ county office offices within the county, ~~the officeholder must have the qualifications listed in subsection (2) or shall, with the approval of the governing body, may~~ contract for the full performance of the duties required of a county superintendent in 20-3-207 and 20-3-210 with:

(i) another county superintendent, with the approval of the governing body of that county;

(ii) a former county superintendent; or

(iii) a person who:

(A) is a qualified elector;

(B) holds a valid administrative certificate as provided in 20-4-106(1)(c);

(C) takes the oath of office in 20-1-202;

(D) is bonded in the manner provided for county officers in Title 2, chapter 9, part 7; and

(E) attends instructional training in the duties of a county superintendent as offered by the superintendent of public instruction.

(b) Whenever a governing body contracts with a person for performance of the duties required of a county superintendent under the provisions of subsection ~~(3)(a)(iii)~~ (2)(a)(iii), the contract must be for at least the duration of 1 school fiscal year.

(c) The superintendent of public instruction shall prescribe a contract form to be used.

~~(4)(3)~~ The board of county commissioners may establish the office of county superintendent as a part-time

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

office under the provisions of 20-3-213, and adjust the salary established in 7-4-2503 to make it commensurate with the reduction in hours. A part-time county superintendent shall perform all duties of that office that are required by law."

Section 5. Section 20-3-204, MCA, is amended to read:

"20-3-204. Office hours. (1) Except for a part-time county superintendent provided for under 20-3-201(4), the county superintendent of schools shall keep the office of the county superintendent open from 8 a.m. until 5 p.m. every day when the county superintendent is not engaged in the supervision of schools except on holidays and on Saturdays, provided that when the county superintendent has a deputy or clerk, the office must be kept open from 8 a.m. until 5 p.m. every day except holidays and except Saturdays. The office must be kept open at all times as business may require.

(2) This section does not apply to counties operating under the county manager plan."

NEW SECTION. Section 6. Effective date -- applicability. [This act] is effective on passage and approval and applies to each county upon the beginning of the next term of office after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 233**, introduced bill, be amended as follows:

1. Page 1, lines 9 through 23.

Following: "district." on line 23

Strike: remainder of line 9 through line 23.

Insert: "(1) In order to dissolve a K-12 district under the provisions of this section, the electors of the K-12 district shall approve a proposition dissolving the K-12 district for the purpose of annexing or consolidating the K-12 district's elementary or high school program with an adjacent school district or districts in an ensuing school fiscal year under the provisions of 20-6-203 through 20-6-208 or 20-6-315 through 20-6-319.

(2) If the entire territory of the dissolving K-12 district will be annexed or consolidated with an adjacent district or districts, the resolution or petition required in subsection (1) must contain a description of the manner in which the real and personal property and funds of the district are to be apportioned in the dissolution of the district and the subsequent annexation or consolidation with one or more other districts. If a portion of the dissolving K-12 district will not be annexed or consolidated with another district or districts and the resolution or petition does not contain a description of the apportionment of funds and property, the provisions of subsection (4)(c) must be used to determine the disposition of property and funds."

2. Page 1, line 24.

Strike: "(4)"

Insert: "(3)"

3. Page 1, line 25.

Following: "district"

Insert: "and from each district included in a consolidation proposition"

4. Page 1, line 25.

Following: "dissolution"

Insert: "and annexation or consolidation"

5. Page 1, line 26.

Following: the first "proposition"



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Strike: "has"

Insert: "or propositions have"

6. Page 1, line 26.

Following: the second "proposition"

Insert: "and each district involved in a consolidation has approved the consolidation proposition"

7. Page 2, line 2.

Insert: "(4) Whenever a K-12 district is dissolved for the purpose of annexing or consolidating the high school or elementary program with one or more other districts, the following provisions apply:

(a) The trustees of the K-12 district are the trustees of the district whose territory is not consolidated or annexed to one or more adjacent districts upon dissolution of the K-12 district.

(b) The trustees of the district whose territory is not annexed or consolidated upon dissolution of the K-12 district are responsible for the execution of remaining financial obligations of the K-12 district, including tuition.

(c) Unless otherwise provided for in the proposition for dissolution of the K-12 district, all the tangible property, real and personal, of the K-12 district and all cash and receivables remaining to the credit of the K-12 district after providing for payment of outstanding debts, except bonded indebtedness, become the property of the district whose territory is not annexed or consolidated with one or more adjacent districts.

(d) The provisions of 20-6-410 apply for tenure teachers in the dissolution of a K-12 district.

(e) For purposes of applying the budget limitation provisions of 20-9-308, the budget of a K-12 district during its last year of operations as a K-12 district will be prorated based on rules promulgated by the superintendent of public instruction."

And, as amended, do pass. Report adopted.

**HB 369**, introduced bill, be amended as follows:

1. Title, lines 5 through 9

Following: "WITH" on line 5

Insert: "FEDERAL"

Following: "PRIVACY" on line 5

Insert: "AND OTHER STUDENT RIGHTS"

Following: "PRIVACY;"

Strike: remainder of line 5 through "PROGRAM;" on line 9

2. Page 1, line 13.

Strike: "through 5"

Insert: "and 2"

3. Page 1, line 16.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 1, line 29.

Following: "Family"

Strike: "and"

5. Page 1, line 30

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Following: "1232g)"

Strike: ", "

Insert: "and with protection of student rights in 20 U.S.C. 1232h"

6. Page 2, line 3.

Following: "privacy"

Insert: "and the protection of student rights"

Following: "sections 1"

Strike: "through 5"

Insert: "and 2"

7. Page 2, line 5.

Following: line 4

Strike: the first "through 5"

Insert: "and 2"

Following: the second "sections 1"

Strike: "through 5"

Insert: "and 2"

8. Page 2, line 7 through page 3, line 25.

Strike: sections 4 and 5 in their entirety

Re-number: subsequent section

9. Page 3, line 27.

Strike: "through 5"

Insert: "and 2"

10. Page 3, lines 28 and 29.

Following: "sections 1"

Strike: remainder of line 28 through "5" on line 29

Insert: "and 2"

And, as amended, do pass. Report adopted.

**HB 431**, introduced bill, be amended as follows:

1. Title, line 4 through 6.

Following: "ACT" on line 4

Strike: remainder of line 4 through "AUTHORITY" on line 6

Insert: "CLARIFYING THE PORTION OF A SCHOOL DISTRICT GENERAL FUND BUDGET THAT  
REQUIRES VOTER APPROVAL"

2. Page 1, line 14.

Following: "(a) a"

Insert: "budget amount up to the"

Strike: "exceeds"

Insert: "is within"

Strike: "or"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Insert: "and"

3. Page 1, line 15.

Strike: "(a)"

4. Page 1, line 18.

Following: "budget"

Insert: "amount"

5. Page 1, line 19.

Strike: "(b)"

6. Page 1, line 20.

Strike: "an"

Insert: "a voted".

Strike: "from a district levy"

7. Page 1, lines 22 and 23.

Following: "~~amount~~"

Strike: remainder of line 22 through "20-9-369" on line 23

8. Page 1, line 24.

Strike: "excess"

Insert: "additional"

9. Page 1, line 30 through page 2, line 2.

Following: "~~expended~~"

Strike: remainder of line 20 through "levy" on page 2, line 2

Insert: "the district be authorized to expend the sum of (state the additional amount to be expended)"

10. Page 2, lines 3 and 4.

Following: "~~made~~" on line 3

Strike: remainder of line 3 through "district" on line 4

Insert: "(insert the purpose for which the additional financing is made)"

11. Page 2, lines 5 and 6.

Strike: "the" in two places

Insert: "budget authority and any" in two places

12. Page 2, line 14.

Following: "tax"

Strike: "under" through "section"

Insert: "to support a budget amount adopted as allowed by 20-9-308(4)"

13. Page 2, line 15.

Following: "year"

Strike: "and must be authorized by a"

Insert: "."

(5) All levies adopted under this section must be authorized by a"



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Renumber: subsequent subsection

14. Page 2, line 17

Following: "finance"

Strike: "a"

Insert: "an increased amount up to the"

15. Page 2, line 18.

Following: "an"

Insert: "increased"

16. Page 2, line 20.

Following: "district" on line 19

Insert: "as allowed by 20-9-308(4)"

And, as amended, do pass. Report adopted.

**HB 437**, introduced bill, do pass. Report adopted.

**HB 485**, introduced bill, be amended as follows:

1. Title, lines 7 through 9.

Following: "OFFICER;"

Strike: remainder of line 7 through "OFFICER;" on line 9

2. Title, line 12.

Following: "PROPERTY;"

Insert: "AND"

3. Title, line 13.

Following: "MCA"

Strike: remainder of line 13 through "DATE"

4. Page 2, lines 1 through 9.

Strike: line 1 through "products" on line 9

Insert: "who represent a broad spectrum of Montana society and whose views reflect the rich cultural heritage of the past as well as the opportunities of the future"

5. Page 2, lines 10 and 11.

Following: "reappointed" on line 10

Strike: remainder of line 10 through "years" on line 11

6. Page 2, line 15.

Following: "(b)"

Strike: "(i)"

Following: "list of"

Strike: "five"

Insert: "three"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

7. Page 2, lines 16 and 17.

Following: "by the" on line 16

Strike: remainder of line 16 through "governor" on line 17

Insert: "director of the Montana historical society with the approval of the Montana historical society board of trustees"

8. Page 2, lines 18 and 19.

Strike: subsection (ii) in its entirety

9. Page 4, line 29.

Following: "or that"

Insert: "a heritage property is involved but"

10. Page 4, line 30.

Following: "finding"

Insert: "must address all properties or remains reviewed and"

11. Page 5, line 3.

Following: "involved"

Strike: "or"

Insert: "and"

12. Page 5, line 7.

Following: "that"

Insert: "a property or remains may be eligible but"

Strike: "make"

Insert: "reach"

Strike: "determination"

Insert: "finding"

13. Page 5, line 8.

Following: "required"

Insert: "in accordance with standards and guidelines as provided in [section 4]"

14. Page 5, line 9.

Strike: "the proposed"

Insert: "a"

Following: "finding"

Insert: "of adverse effect"

15. Page 5, line 17.

Following: "register"

Insert: "or a finding of adverse effect to the property"

16. Page 5, lines 26 and 27.

Following: "Avoidance of" on line 26

Strike: remainder of line 26 through "development of or" on line 27

17. Page 5, line 29.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Strike: "development of or"

18. Page 6, line 3.

Strike: "responds to a request for consultation"

Insert: "submits a proposed finding under [section 5(3)]"

19. Page 6, lines 4 and 5.

Strike: subsection (3) in its entirety

20. Page 6, lines 7 through 13.

Strike: section 7 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

FISH & GAME (Wagner, Chairman):

2/15/96

**HB 433**, introduced bill, do pass. Report adopted.

**HB 464**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: "FISH;" on line 5

Strike: remainder of line 5 through "LICENSES;" on line 6

2. Title, line 7.

Strike: "AND A TERMINATION DATE"

3. Page 3, lines 11 and 12.

Following: "owner" on line 11

Strike: remainder of line 11 through "available" on line 12

4. Page 3, lines 14 through 16.

Strike: section 2 in its entirety

Renumber: subsequent sections

5. Page 3, line 20.

Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/15/95

**HB 160**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Strike: "SHALL" on line 5 through "PERMISSION TO" on line 6

Insert: "GIVE THE COUNTY SHERIFF NOTICE OF AN"

Strike: "AND SEIZE" on line 6

Insert: "OR SEIZURE"



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

2. Page 1, line 20.

Strike: "permission for"

Insert: "right to prior notice of"

3. Page 1, line 22.

Strike: "the written permission of"

Insert: "giving at least 24 hours' written notice to"

4. Page 2, lines 4 through 11.

Strike: subsections (2) and (3) in their entirety

Renumber: subsequent subsections

5. Page 2, lines 12 and 13.

Strike: "obtain" on line 12 through "permission of" on line 13

Insert: "give at least 24 hours' written notice to"

Strike: "request for permission" on line 13

Insert: "notice"

6. Page 2, lines 14 and 15.

Strike: "may" on line 14 through "sufficient" on line 15

Insert: "shall take appropriate action to protect the rights of citizens in the county "

7. Page 2, line 16.

Strike: "A permission request"

Insert: "The written notice"

8. Page 2, line 23.

Strike: "request"

Insert: "written notice"

Strike: "countersigned"

Insert: "acknowledged"

9. Page 2, lines 24 through 26

Strike: ", " on line 24 through "file" on line 26

10. Page 2, line 30 through page 3, line 2.

Strike: "county attorney" on line 30 of page 2 through "occurred" on line 2 of page 3

Insert: "attorney general or the county attorney as directed by the attorney general for any crime arising from the unlawful conduct"

11. Page 3, lines 6 through 9.

Strike: "county" on line 6 through "misconduct" on line 9.

Insert: "attorney general or a designee of the attorney general may prosecute a violation of [section 2]"

And, as amended, do pass. Report adopted.

**HB 356**, introduced bill, be amended as follows:

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

1. Page 1, line 29.

Following: "shall"

Insert: ", within 72 hours,"

2. Page 2, line 2.

Following: "release"

Strike: " ; "

Insert: ". The sheriff or other officials shall notify the victim or victims of the offense or the immediate family of a deceased victim, if known."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/16/95

**HB 489**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "WITH A NONPROFIT CORPORATION"

2. Page 1, lines 13 and 15.

Strike: "or nonprofit corporation"

3. Page 1, line 22.

Following: "given."

Insert: "As used in this section, "public entity" means any county, city, municipal corporation, school district, or special improvement or taxing district."

4. Title, line 4.

Strike: "TO"

Following: "OR"

Insert: "THE"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/15/95

**HB 410**, introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Strike: "OFFICERS" on line 4 through "LEGISLATURE" on line 6

Insert: "EMPLOYEES TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST"

2. Page 1, line 30 through page 2, line 5.

Strike: "state officer or a" on page 1, line 30

Following: "employee" on line 30

Strike: the remainder of line 30 through "(c)" on page 2, line 6

Insert: "shall notify the employee's immediate supervisor that a potential conflict of interest exists when an organization of which the employee is a member is involved in a proceeding before the employing agency that is within the scope of the employee's job duties.

(b) The employee's supervisor shall make the disclosed information available to an interested

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

person upon the person's request. (4)"

Renumber: subsequent subsections

3. Page 2, line 6.

Following: "activity"

Insert: ", including lobbying, as defined in 5-7-102,"

4. Page 2, line 7.

Strike: "listed" through "regard to"

Insert: "of which the officer or employee is a member while engaged in performing"

And, as amended, do pass. Report adopted.

**HB 476**, introduced bill, be amended as follows:

1. Page 1, line 19.

Strike: "adequately"

2. Page 2.

Following: line 12

Insert:

"NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/15/95

**SB 144**, introduced by Brooke

**SB 189**, introduced by Weldon

**SB 193**, introduced by Doherty

**SB 232**, introduced by Toews

**SB 249**, introduced by Bishop

**SB 295**, introduced by Jacobson

**SJR 11**, introduced by Brooke

**SJR 12**, introduced by Harding

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

**HB 564**, introduced by Trexler, referred to Committee on Agriculture, Livestock & Irrigation.

**HB 565**, introduced by Ellis, referred to Committee on Taxation.

**HB 566**, introduced by Jore, referred to Committee on Judiciary.



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

**HB 567**, introduced by Hibbard, referred to Committee on Business & Labor.

**HB 568**, introduced by Fisher, referred to Committee on Taxation.

Representative Grinde moved the House recess until 1:00 p.m. Motion carried.

House recessed at 12:10 p.m.

House reconvened at 1:05 p.m. Mr. Speaker in the Chair.

**MOTIONS**

**HB 442** - Representative S. Smith moved consideration of HB 442 be passed for the day. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 480** - Representative Cocchiarella moved consideration of HB 480 be placed below HB 65 on the second reading board. Motion carried.

**HB 100** - Representative McKee moved HB 100, second reading copy, be amended (amendment #1).

Representative Cocchiarella moved that items #2 and #6 be segregated from Amendment #1 and the rest of amendment be adopted. Motion carried.

Representative Cocchiarella made a substitute motion that items #2 and #6 do not pass.

Representative Grinde moved consideration of HB 100 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 65** - Representative McKee moved HB 65, second reading copy, be amended (amendment #1). Motion failed as follows:

Ayes: Anderson, Barnett, Bergsagel, Carey, DeBruycker, Ellis, Feland, Forbes, Grimes, Grinde, H.S. Hanson, Herron, Holland, R. Johnson, Jore, Knox, McKee, Mills, Ohs, Simon, Simpkins, Soft, Trexler, Wiseman, Zook, Mr. Speaker.  
Total 26

Noes: Ahner, Arnott, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Sliter, L. Smith, S. Smith,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt.

Total 74

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative McKee moved HB 65 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergman, DeBruycker, Rehbein.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 480** - Representative Arnott moved HB 480 do pass.

Representative Cocchiarella moved HB 480, second reading copy, be amended (amendment #1). Motion failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Fisher, Galvin, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 32

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

Representative Tuss moved HB 480, second reading copy, be amended (amendment #2).

The Chair moved that Amendment #2 be out of order. Motion carried as follows: (63-32)

Representative Simpkins moved HB 480, second reading copy, be amended as follows (amendment #3):

1. Title, line 9.

Following: "ADMINISTRATORS;"

Insert: "PROVIDING THAT THE BOARD OF PUBLIC EDUCATION MAY NOT ADOPT RULES, POLICIES, OR STANDARDS RELATING TO ACCREDITATION STANDARDS AND CERTAIN OTHER MATTERS UNLESS THE LEGISLATURE SPECIFICALLY ACTS TO FUND THE RULES, POLICIES, OR STANDARDS; PROVIDING THAT A SCHOOL DISTRICT MAY NOT HAVE STATE FUNDS WITHHELD BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IF THE BOARD OR THE SUPERINTENDENT FAILS TO COMPLY WITH STATUTORY REQUIREMENTS OR IF A BOARD RULE, POLICY, OR STANDARD HAVING SUBSTANTIAL FINANCIAL IMPACT ON A SCHOOL DISTRICT IS NOT FUNDED BY THE LEGISLATURE;"

Following: "SECTIONS"

Insert: "20-2-115,"

2. Page 1, line 16.

Insert: "Section 3. Section 20-2-115, MCA, is amended to read:

"20-2-115. Rules with substantial financial impact -- fiscal note -- effect without funding. (1) When developing rules, policies, and standards under 20-2-121(6), (7), (9), and (11), the board of public education shall, before adopting the rules, policies, and standards, determine the financial impact of the rule, policy, or standard on school districts.

(2) The superintendent of public instruction shall prepare a fiscal note for submission to the board, using criteria and assumptions developed by the board. The fiscal note must be prepared within 30 days of a request unless the board agrees to a longer time. The board may also accept other testimony and exhibits on the financial impact to school districts ~~before proceeding to rulemaking~~.

(3) If the financial impact of the proposed rule, policy, or standard that the board wishes to adopt is found by the board to be substantial, the board ~~may not implement the rule until July 1 following the next regular legislative session and~~ shall request the next legislature to fund ~~implementation of, through the BASE funding program~~, the ~~proposed~~ rule, policy, or standard ~~through the BASE funding program~~ that the board wishes to adopt. The board may not adopt a rule, policy, or standard required to be submitted to the legislature unless the legislature provides funding for it. A substantial financial impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

~~(4) A proposed rule, policy, or standard not found by the board to have a substantial financial impact on school districts or funded by the legislature may be implemented at any time.~~

(4) A school district may not have state funding withheld by the superintendent of public instruction if the board of public education or the superintendent fails to comply with the provisions of this section or if a board rule, policy, or standard having substantial financial impact on a school district is not funded by the legislature."

Renumber: subsequent sections



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Amendment #3 as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Larson, Marshall, Martinez, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 76

Noes: Carey, Cobb, Cocchiarella, Ellingson, Ewer, Galvin, Harper, Harrington, Heavy Runner, Hurdle, Kitzenberg, Kottel, Masolo, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, Schwinden, Shea, Swanson, Wennemar, Wyatt.  
Total 24

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HB 480, as amended, passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McGee, McKee, Mills, Molnar, Nelson, Ohs, Orr, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.  
Total 75

Noes: Carey, Cocchiarella, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, McCulloch, Menahan, Murdock, Pavlovich, Peck, Quilici, Raney, Ream, Shea, Squires, Swanson, Tuss, Wennemar, Wyatt.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Masolo.  
Total 1

**HB 215** - Representative Cocchiarella moved HB 215 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnhart, Bergman, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Molnar, Murdock, Nelson, Ohs,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Anderson, Barnett, Bergsagel, Boharski, Cobb, Curtiss, DeBruycker, Ellis, Feland, Hayne, Jore, Kasten, Keenan, Martinez, McGee, Mills, Orr, Rehbein, L. Smith, S. Smith, Wagner.

Total 21

Excused: None.

Total 0

Absent or not voting: Bohlinger, Pavlovich, Simpkins.

Total 3

**HB 351** - Representative Peck moved HB 351 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Curtiss, DeBruycker, Jore, Keenan, S. Smith.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 378** - Representative Jore moved HB 378 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Ewer, Galvin, Grady, Harper, Herron, Hurdle,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Kadas, Kasten, Larson, Murdock, Ream, Rehbein, Schwinden, Shea, Tuss, Wyatt.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wiseman moved that the Committee of the Whole report be adopted. Report adopted. (82-5)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 84** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Hurdle.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Barnhart, Bohlinger, Kottel, Squires.  
Total 4

**HB 117** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells,



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Jore.

Total 1

Excused: None.

Total 0

Absent or not voting: Barnhart, Bohlinger, Curtiss, Forbes, Rose, Squires, Tuss.

Total 7

**HB 309** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Galvin, Harper, Harrington, Hurdle, Kadas, Kottel, McCann, McCulloch, Menahan, Peck, Ream, Ryan, Simon, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 25

Excused: None.

Total 0

Absent or not voting: Barnhart, Hagener, Squires.

Total 3

**HB 311** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Excused: None.

Total 0

Absent or not voting: Barnhart, Squires.

Total 2

**HB 315** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

**HB 322** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Heavy Runner.

Total 1

Excused: None.

Total 0

Absent or not voting: Forbes, Keenan, Kottel, Tuss.

Total 4

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

**HB 323** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Barnhart, Ellingson, Galvin, Shea.

Total 4

Excused: None.

Total 0

Absent or not voting: Simpkins, Squires.

Total 2

**HB 332** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Barnhart, Galvin.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 345** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo,



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Cobb, Feland, Grinde, Jore, Kasten, Murdock, Rehbein.

Total 8

Excused: None.

Total 0

Absent or not voting: Forbes, R. Johnson, Tuss.

Total 3

**HB 354** passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Boharski, Harper, R. Johnson, Jore, Kasten, Keenan, Peck, Raney, Story, Vick.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 355** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Noes: Larson.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 389** passed as follows:

Ayes: Arnott, Bergman, Bergsagel, Bohlinger, Carey, Cocchiarella, Curtiss, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 61

Noes: Ahner, Anderson, Barnett, Barnhart, Boharski, Brainard, Clark, Cobb, DeBruycker, Denny, Devaney, Ewer, Galvin, Green, Grimes, Harper, Hibbard, Hurdle, J. Johnson, Kadas, Keenan, Martinez, Masolo, McGee, Molnar, Raney, Ream, Rehbein, Simpkins, S. Smith, Somerville, Squires, Swanson, Tuss, Vick, Wagner, Wells, Wyatt.  
Total 38

Excused: None.

Total 0

Absent or not voting: Orr.

Total 1

**HB 436** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Barnett, Boharski, DeBruycker, Denny, Feland, Fisher, Grinde, Jore, Kasten, Keenan, Menahan, Rehbein, Simon, Tash, Vick, Wagner, Wells.  
Total 17

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Total 0

**HB 467** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Carey, Cobb, Cocchiarella, Elliott, Ewer, Feland, Harper, Harrington, Hurdle, Kadas, Menahan, Pavlovich, Raney, Ream, Ryan, Shea, Tuss.

Total 17

Excused: None.

Total 0

Absent or not voting: Ellingson, Grimes.

Total 2

**MOTIONS**

**HB 395** - Representative Grinde moved HB 395 be taken from the Committee on Agriculture, Livestock & Irrigation and rereferred to the Committee on Appropriations. Motion carried.

**HB 378** - Representative Grady moved HB 378 be taken from third reading and rereferred to the Committee on Appropriations. Motion carried.

**SB 192** - Representative Boharski moved SB 192 be taken from the Committee on Local Government and rereferred to the Committee on Judiciary. Motion carried.

**HB 309** - Representative Swanson moved she be allowed to change her vote on HB 309, third reading, from aye to nay. Motion carried.

Representative Menahan moved he be allowed to change his vote on HB 309, third reading, from aye to nay. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS & LABOR** (Simon, Chairman):

2/16/95

**HB 518**, introduced bill, be amended as follows:

1. Page 3, lines 9, 11, and 13.

Page 4, line 5

Page 5, lines 4, 6, and 8



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

Page 6, lines 8, 11, 18, and 30

Page 7, lines 4, 6, and 15

Page 8, line 18

Following: "through"

Strike: "20"

Insert: "19"

2. Page 5, line 6.

Following: "."

Insert: "Subpoenas must be relevant to the complaint, issued by a majority vote of board members not serving on the screening panel described in subsection (1)(e), and signed by the presiding officer of the board."

3. Page 5, line 11.

Following: "(e)"

Strike: "assign board members to a department"

Insert: "establish a"

4. Page 5, line 21 through page 6, line 4.

Strike: section 8 in its entirety

Renumber: subsequent sections

5. Page 6, line 11.

Following: "department may"

Insert: ", with the concurrence of a member of the screening panel established in [section 7],"

6. Page 6, lines 29 and 30.

Following: "agencies" on line 29

Strike: the remainder of line 29 through "Evidence" on line 30

7. Page 8, lines 7 through 10.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

8. Page 8, line 20.

Following: "section"

Strike: "13"

Insert: "12"

9. Page 10, lines 27 and 28.

Following: "title." on line 27

Strike: the remainder of line 27 and line 28 in its entirety

10. Page 11, line 2.

Following: "section"

Strike: "18"

Insert: "17"

Following: "than"

Strike: "\$25,000"

Insert: "\$5,000"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

11. Page 11, line 18.  
Following: "section"  
Strike: "17"  
Insert: "16"

12. Page 18, line 24.  
Page 64, line 1  
Following: "section"  
Strike: "20"  
Insert: "19"

13. Page 85, line 6.  
Strike: "20"  
Insert: "19"

14. Page 85, following line 7.  
Insert: "NEW SECTION. Section 129. Coordination instruction.

(1) If Senate Bill No. 95 is passed and approved and if it includes a section that amends 37-16-202, then [section 58] of this act], amending 37-16-202, is void.

(2) If Senate Bill No. 95 is passed and approved and if it includes a section that amends 37-16-406, then the portion of [section 127] that repeals 37-16-406 is void.

(3) If Senate Bill No. 171 is passed and approved and if it includes sections that amend 37-11-307 and 37-11-309, then the portion of [section 127] that repeals 37-11-307 and 37-11-309 is void."

Renumber: subsequent sections

15. Page 85, line 23.  
Strike: "20, 21"  
Insert: "19, 20"

And, as amended, do pass. Report adopted.

**HB 549**, introduced bill, be amended as follows:

1. Page 1, line 27.  
Following: "the"  
Strike: "publication"

2. Page 1, line 28.  
Following: "of"  
Insert: "16-4-203 and"

And, as amended, do pass. Report adopted.

**HB 556**, introduced bill, do pass. Report adopted.

**HB 557**, introduced bill, be amended as follows:

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

1. Page 2, line 28.

Following: "equipment,"

Insert: "and"

Following: "operation,"

Insert: "solely oriented to the protection of public health"

Following: "and"

Insert: "the"

2. Page 4, line 11.

Strike: "licensing"

Insert: "registering"

3. Page 4, line 12.

Following: "establishments,"

Insert: "adopting fees,"

Following: "and"

Insert: "also"

And, as amended, do pass. Report adopted.

**HB 559**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "TOURNAMENTS"

Insert: "SPONSORED BY NONPROFIT ORGANIZATIONS"

2. Page 1, lines 10 and 11.

Strike: "person or entity"

Insert: "nonprofit organization"

3. Page 1, line 10.

Strike: "\$50"

Insert: "\$25"

4. Page 1, following line 13.

Insert: "(2) The tournament may be managed and operated only by members of the nonprofit corporation that was issued the permit under subsection (1), and members may not be compensated for their services."

Renumber: subsequent subsections

5. Page 1, following line 19.

Insert: "(5) Proceeds from the tournament, after payment of reasonable administrative expenses, may be used only for a civic, charitable, or educational purpose, and administrative expenses may not exceed 50% of the proceeds."

And, as amended, do pass. Report adopted.

**HIGHWAYS & TRANSPORTATION** (Anderson, Chairman):

2/16/95

**HB 192**, introduced bill, be amended as follows:



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

1. Title, line 11.

Strike: "AND STATE SPECIAL REVENUE ACCOUNT"

2. Page 5, line 1.

Strike: "'MONTANA - THE LAST BEST PLACE'"

Insert: "Special"

3. Page 5, lines 2, 7, 14, and 22.

Page 6, line 8.

Strike: "'MONTANA - THE LAST BEST PLACE'"

Insert: "the special"

4. Page 5, line 4.

Strike: "with the slogan 'MONTANA - THE LAST BEST PLACE',"

5. Page 5, lines 9 and 16.

Strike: "'MONTANA - THE LAST BEST PLACE'"

Insert: "special"

6. Page 5, lines 17 and 18.

Following: "for"

Strike: "'MONTANA - THE LAST BEST PLACE'"

Insert: "the special"

Following: "of"

Strike: "'MONTANA - THE LAST BEST PLACE'"

Insert: "the special"

7. Page 5, line 30 through page 6, line 4.

Following: "~~Once~~" on line 30

Strike: remainder of line 30 through "ONCE" on page 6, line 4

Insert: "Once"

8. Page 6, line 10.

Strike: "'MONTANA - THE LAST BEST PLACE'"

Insert: "special"

Following: "received"

Insert: ", for deposit in an account in the proprietary fund for appropriation by the legislature to support statewide and local water resources education and activities of local watershed work groups"

9. Page 6, lines 11 through 14.

Strike: subsection (4) in its entirety

10. Page 6, lines 16, 17 and 18, 19, and 21.

Strike: "'MONTANA - THE LAST BEST PLACE'"

Insert: "special"

11. Page 6, line 28.

Strike: "distribute"

Insert: "deposit"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

12. Page 6, line 29.

Strike: "to the department of natural resources and conservation"

Insert: "in an account in the proprietary fund"

13. Page 9, line 10.

Strike: ""MONTANA - THE LAST BEST PLACE""

Insert: "the special"

14. Page 12, lines 1 through 5.

Strike: section 11 in its entirety

Renumber: subsequent sections

15. Page 12, lines 7 and 8 and line 9.

Strike: "AND 11"

16. Page 12, line 15.

Strike: "12,"

And, as amended, do pass. Report adopted.

**HB 249**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "REGULATE"

Insert: "SKATEBOARDING AND"

2. Title, lines 6 and 7.

Strike: "REDUCE" on line 6 through "FACILITY" on line 7

Insert: "ADOPT VARIABLE SPEED LIMITS TO ADAPT TO TRAFFIC CONDITIONS"

3. Page 1, line 22.

Following: "sliding,"

Insert: "skateboarding,"

4. Page 3, line 1 and 2.

Strike: "a" on line 1 through "37-9-101," on line 2

5. Page 3, line 3.

Strike: "a"

Following: "or"

Insert: "or"

6. Page 3, lines 3 and 4.

Strike: "a" on line 3 through "facility" on line 4

7. Page 3, line 5.

Following: "25"

Insert: "80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

the basis of an engineering and traffic investigation, but not less than"

8. Page 3, line 6.

Following: "."

Insert: "If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206."

And, as amended, do pass. Report adopted.

**HB 396**, introduced bill, do pass. Report adopted.

**HJR 23**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "THE MONTANA"

Insert: "A"

2. Page 1, line 19.

Strike: the second "the Montana"

Insert: "a"

And, as amended, do pass. Report adopted.

**SB 96**, be concurred in. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman):

2/16/95

**HB 407**, introduced bill, do pass. Report adopted.

**HB 461**, introduced bill, be amended as follows:

1. Page 5, line 21.

Strike: "structure"

Insert: "system"

Strike: "provide"

Insert: "be the"

Strike: "command"

Insert: "commander"

And, as amended, do pass. Report adopted.

**HB 468**, introduced bill, do pass. Report adopted.

**HB 504**, introduced bill, do pass. Report adopted.

**HB 509**, introduced bill, do pass. Report adopted.



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 16, 1995

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HJR 25**, introduced by Quilici, referred to Committee on Natural Resources.

**MOTIONS**

**HB 268** - Representative Menahan moved that Representative Molnar be added as a sponsor to HB 268. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Friday, February 17, 1995. Motion carried.

House adjourned at 3:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



**HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 17, 1995

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Reverend Paul Birkeland. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker introduced this week's pages:

Jolynn Bold, Big Sandy  
Bo Kelley, Deer Lodge  
Chase Kelly, Sierra Vista, Arizona  
John McCall, Billings  
Thomas McNulty, Townsend  
Regan Peschel, Whitefish  
Abigail St. Lawrence, Great Falls  
Jolene Vaira, Lambert  
Steve Hawkins, Dayton (permanent page)  
Mark Stansbury, Glendive (permanent page)

Honorary Pages

Kari Langley, East Helena  
Jessica Murphy, Big Arm  
Casie Sigouin, Helena

**MOTIONS**

**HB 354** - Representative Pavlovich moved he be allowed to change his vote on HB 354, third reading, from not voting to aye. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Hayne, Chairman):

2/17/95

Correctly printed for second reading: HB 186, HB 256, HB 443, HB 543, HB 551, HB 454, HB 491, HB 501, HB 473, HB 358, HB 564, HB 308, HB 540, HB 445, HB 520, HB 339, HB 348, HB 380, HB 423, HB 429, HB 439, HB 563, HB 446, HB 511, HB 405, HB 484, HB 340, HB 385, HB 539, HB 366, HB 240, HB 533, HJR 22, HJR 24, HJR 25.

Correctly engrossed for third reading: HB 65, HB 215, HB 351, HB 378, HB 480.

**JUDICIARY** (Clark, Chairman):

2/16/95

**HB 186**, introduced bill, be amended as follows:

1. Title, line 7.  
Strike: "OR ADVOCATE"  
Following: "AS"  
Insert: "A"  
Strike: "REPORTERS"



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Insert: "REPORTER"

2. Page 9, line 30.

Strike: "an advocate or"

Insert: "a"

3. Page 10, lines 27 and 28.

Strike: "A police" on line 27 through "attorney" on line 28

Insert: "Anyone"

4. Page 11, line 1.

Following: the first "the person"

Insert: "was grossly negligent or"

5. Page 11, lines 1 and 2.

Strike: "There is" on line 1 through end of line 2

6. Page 11, line 3.

Following: "41-3-201"

Insert: "that is substantiated by the department by independent corroboration"

7. Page 11, line 4.

Following: "41-3-205"

Insert: "that is substantiated by the department by independent corroboration"

And, as amended, do pass. Report adopted.

**HB 256**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "PENALTY"

Insert: "PENALTIES"

Strike: "ON THE"

2. Title, line 5.

Strike: "FOURTH OR SUBSEQUENT"

Insert: "UPON A"

3. Title, lines 5 and 6.

Strike: "REQUIRING" on line 5 through "LICENSE;" on line 6

4. Page 1, line 15.

Strike: "(8)"

Insert: "(7)"

Strike: "(9)"

Insert: "(8)"

5. Page 1, line 16.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Strike: "24"  
Insert: "48"  
Strike: "60 days"  
Insert: "6 months"

6. Page 1, line 19.

Following: "well-being"

Insert: "or unless the defendant voluntarily enrolls in and successfully completes a chemical dependency treatment program approved by the court and conducted by an approved private treatment facility or approved public treatment facility, as defined in 53-24-103. A suspended or deferred sentence must include a condition that the defendant shall perform community service"

7. Page 1, lines 20, 23, 25, and 28.

Strike: "(8)"  
Insert: "(7)"

8. Page 1, line 21.

Strike: "7"  
Insert: "30"

9. Page 1, line 22.

Strike: "48"  
Insert: "72"  
Strike: "6 months"  
Insert: "1 year"

10. Page 1, line 23

Strike: "3"  
Insert: "30"

11. Page 1, line 24.

Following: "well-being"

Insert: "or unless the defendant voluntarily enrolls in and successfully completes an inpatient chemical dependency treatment program approved by the court and conducted by an approved private treatment facility or approved public treatment facility, as defined in 53-24-103. A suspended or deferred sentence must include a condition that the defendant shall perform community service"

12. Page 1, line 25.

Following: "~~or subsequent~~"  
Insert: "or subsequent"

13. Page 1, line 26

Strike: "imprisonment"  
Insert: "incarceration in the county jail or a state prison"

14. Page 1, lines 26 and 27.

Strike: "30 days" on line 26 through "consecutively," on line 27  
Insert: "1 year"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

15. Page 1, line 27.

Following: "more than"

Strike: "1 year"

Insert: "10 years"

Strike: "\$500"

Insert: "\$1,000"

Strike: "\$1,000"

Insert: "\$50,000"

16. Page 1, line 30.

Strike: "10"

Insert: "60"

17. Page 2, line 1.

Following: "suspended."

Insert: "The remainder of the term of incarceration contained in the sentence may be suspended or deferred only on the condition that the defendant successfully complete an inpatient chemical dependency treatment program approved by the court and conducted by an approved private treatment facility or approved public treatment facility, as defined in 53-24-103. A suspended or deferred sentence must include a condition that the defendant shall perform community service."

18. Page 2, lines 14 through 18.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

19. Page 3, line 27 through line 2 of page 4.

Strike: subsection (10) in its entirety

20. Page 5, lines 4 and 5.

Strike: "The" on line 4 through end of line 5

21. Page 5, lines 26 and 27.

Strike: "The" on line 26 through end of line 27

And, as amended, do pass. Report adopted.

**HB 443**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "CLAIMANTS WHEN"

Insert: "THE"

Following: "SUCCESSFUL"

Insert: "PARTY"

2. Page 1, line 11.

Strike: "(1)"

3. Page 1, line 13.



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

4. Page 2, line 16.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsection

5. Page 2, lines 20 and 21.

Strike: subsection (2) in its entirety

6. Page 1, line 26.

Strike: "(1)(a)" through "(1)(m)"

Insert: "(1), (4), (5), (6), (9), (13), or (15)"

7. Page 3, line 3.

Following: "(4)"

Insert: "(a)"

8. Page 3, lines 4 and 5.

Strike: "(1)(a)" on line 4 through "(1)(m)" on line 5

Insert "(1), (4), (5), (6), (9), (13), or (15)"

9. Page 3, line 6.

Following: line 5

Insert: "(b) Attorney fees and costs must be awarded to the successful party in an action under this section."

And, as amended, do pass. Report adopted.

**HB 543**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: ";" on line 5

Strike: remainder of line 5 through ";" on line 6

2. Page 1, line 13.

Strike: "On"

Insert: "Subject to 25-1-402, on"

And, as amended, do pass. Report adopted.

**HB 551**, introduced bill, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**SB 301**, introduced by Cole, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 2/16/95 to the House with the following vote:

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

YEAS - 35  
NAYS - 15

House amendments to Senate bill concurred in:

**SB 36**, introduced by Bishop

Senate bills passed and transmitted to the House for concurrence:

2/16/95

**SB 132**, introduced by Bishop  
**SB 211**, introduced by Keating  
**SB 246**, introduced by Weldon  
**SB 253**, introduced by Holden  
**SB 266**, introduced by Crippen  
**SB 285**, introduced by Pipinich  
**SB 287**, introduced by Hertel  
**SB 292**, introduced by Brown  
**SB 294**, introduced by Mohl  
**SB 298**, introduced by Van Valkenburg  
**SB 317**, introduced by Benedict  
**SB 353**, introduced by Halligan  
**SB 361**, introduced by Weldon

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HJR 26**, introduced by Curtiss, referred to Committee on State/Federal Relations.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 65** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: DeBruycker, Hayne, Pavlovich, Rehbein.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Total 4

Excused: None.

Total 0

Absent or not voting: Fuchs, Kasten.

Total 2

**HB 215** passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Anderson, Boharski, Cobb, Curtiss, DeBruycker, Ellis, Feland, Grinde, Hayne, Jore, Kasten, Keenan, McGee, Orr, Rehbein, L. Smith, S. Smith.

Total 17

Excused: None.

Total 0

Absent or not voting: Fuchs, Simpkins, Wagner.

Total 3

**HB 351** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Jore, Marshall.

Total 3

Excused: None.

Total 0

Absent or not voting: Fuchs, Hagener, Squires.



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Total 3

**HB 444** passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Clark, Devaney, Kasten.

Total 3

Excused: None.

Total 0

Absent or not voting: Fuchs, Hurdle, McGee.

Total 3

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harrington in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 100** - Representative McKee moved HB 100, second reading copy, be amended as follows (amendment #1):

1. Title, lines 15, 16 and 17.

Following: "VIDEOCONFERENCE" on line 15

Strike: remainder of line 15 through "CODE" on line 17

2. Page 17, line 4.

Following: "videoconference"

Strike: ", WITH THE CONSENT OF BOTH PARTIES"

3. Page 17, line 16.

Following: "videoconference"

Strike: ", WITH THE CONSENT OF BOTH PARTIES"

4. Page 17, lines 29 and 30.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Following: "videoconference" on line 29

Strike: ", WITH THE CONSENT OF BOTH PARTIES"

5. Page 18, line 14.

Following: "sections"

Strike: "1"

Insert: "2"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, Denny, Vick.

Total 3

Excused: None.

Total 0

Absent or not voting: Knox.

Total 1

Representative McKee moved HB 100, second reading copy, be further amended as follows (amendment #2):

1. Page 16, lines 15 and 16.

Strike: subsection (3) in its entirety

Amendment #2 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harrington, Hurdle, J. Johnson, Kadas, Kottel, Larson, Martinez, McCann, McCulloch, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, L. Smith, S. Smith, Somerville, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 36

Excused: None.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Total 0

Absent or not voting: Fuchs.

Total 1

Representative Ryan moved HB 100, second reading copy, be further amended (amendment #3).

Representative Cobb moved consideration of HB 100 be placed below HB 547 on the second reading board. Motion carried.

**HB 455** - Representative Bergman moved HB 455 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Denny, Devaney, Ellingson, Ellis, Fisher, Forbes, Fuchs, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, R. Johnson, Kadas, Knox, Marshall, McCann, McGee, Mills, Molnar, Ohs, Peck, Raney, Schwinden, Simon, Simpkins, Sliter, Soft, Story, Trexler, Vick, Wells, Wiseman, Wyatt, Mr. Speaker.

Total 50

Noes: Anderson, Boharski, Cocchiarella, Curtiss, DeBruycker, Elliott, Ewer, Feland, Galvin, Grady, Grinde, M. Hanson, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Larson, Martinez, Masolo, McCulloch, McKee, Menahan, Murdock, Nelson, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Shea, L. Smith, S. Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tuss, Wagner, Wennemar, Zook.

Total 49

Excused: None.

Total 0

Absent or not voting: Tropila.

Total 1

**HB 412** - Representative Orr moved HB 412 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Ewer, Heavy Runner, Hurdle, Kadas, Peck, Raney, Tropila, Wyatt.

Total 8

Excused: None.

Total 0



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Absent or not voting: Arnott, Wennemar.  
Total 2

**HJR 20** - Representative Masolo moved HJR 20 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Denny, Fisher, M. Hanson, Jore, Keenan, Rehbein, Story, Taylor, Vick.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Boharski, Kadas.  
Total 2

**HB 547** - Representative Clark moved HB 547 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Cobb, Cocchiarella, Rehbein, S. Smith, Tuss.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Heavy Runner, Jore.  
Total 2

**HB 100** - Representative Ryan moved HB 100, second reading copy, be amended (amendment #3). Amendment #3 failed as follows:

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Ayes: Arnott, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Hagener, Harper, Harrington, Heavy Runner, Herron, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Molnar, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Somerville, Squires, Story, Stovall, Swanson, Tropila, Tuss, Wennemar, Wyatt.

Total 47

Noes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Ohs, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative McKee moved HB 100, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Curtiss, DeBruycker, Denny, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wiseman, Zook, Mr. Speaker.

Total 73

Noes: Boharski, Cocchiarella, Ellingson, Galvin, Hagener, Harrington, Hurdle, Kottel, Larson, McCulloch, Menahan, Pavlovich, Ryan, Schwinden, Shea, S. Smith, Squires, Swanson, Tropila, Tuss, Wells, Wennemar, Wyatt.

Total 23

Excused: None.

Total 0

Absent or not voting: Bergsagel, Cobb, Devaney, Heavy Runner.

Total 4

**HB 357** - Representative Boharski moved consideration of HB 357 be passed for the day. Motion carried.

**HB 259** - Representative Tuss moved HB 259 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Curtiss, Denny, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Anderson, Barnhart, Cobb, DeBruycker, Devaney, Elliott, Feland, Grady, Hayne, Hurdle, Jore, Kasten, Keenan, Kitzenberg, Masolo, McGee, Murdock, Nelson, Rehbein, Soft, Squires, Story, Wagner, Wennemar, Wyatt.

Total 25

Excused: None.

Total 0

Absent or not voting: Cocchiarella, Ellingson, Ellis, Heavy Runner.

Total 4

**HB 150** - Representative Ahner moved HB 150 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Jore, Kottel.

Total 2

**HB 41** - Representative L. Smith moved HB 41 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: DeBruycker, Devaney, Fuchs, Grady, Hagener, Hayne, Jore, Kasten, Masolo, McCann, Rehbein, Wagner,



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Wennemar.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Sliter.  
Total 1

**HB 176** - Representative Hagener moved HB 176 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ewer, Feland, Fisher, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Shea, Simon, L. Smith, Soft, Somerville, Squires, Story, Swanson, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.  
Total 63

Noes: Anderson, Barnett, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Devaney, Ellis, Forbes, Fuchs, Green, Grinde, Holland, Jore, Kasten, Keenan, Knox, Marshall, Martinez, McGee, Mills, Molnar, Orr, Rehbein, Rose, Schwinden, Simpkins, Sliter, S. Smith, Stovall, Tash, Vick, Wagner, Wells, Zook, Mr. Speaker.  
Total 37

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 231** - Representative Pavlovich moved HB 231 do pass. Motion carried as follows:

Ayes: Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Curtiss, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.  
Total 57

Noes: Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Clark, Cobb, DeBruycker, Denny, Devaney, Fisher, Green, Grimes, Grinde, Hayne, R. Johnson, Jore, Kasten, Keenan, Marshall, Martinez, Masolo, McGee, Molnar, Nelson, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Tash, Vick, Wagner, Wells, Zook, Mr. Speaker.  
Total 42

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Absent or not voting: Ahner.

Total 1

**HB 270** - Representative McCulloch moved HB 270 do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bergman, Bergsagel, Carey, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Martinez, McCann, McCulloch, McKee, Menahan, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Soft, Squires, Stovall, Swanson, Trexler, Tropila, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Anderson, Arnott, Barnett, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Feland, Fuchs, Galvin, Green, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Marshall, Masolo, McGee, Mills, Molnar, Murdock, Ohs, Rehbein, Rose, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Story, Tash, Taylor, Vick, Wagner, Wells, Wyatt.

Total 41

Excused: None.

Total 0

Absent or not voting: Cobb, Tuss.

Total 2

**HB 289** - Representative Soft moved HB 289 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Molnar, Murdock, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Bergsagel, Carey, Cobb, Cocchiarella, Denny, Elliott, Galvin, Hagener, Hurdle, Kadas, Keenan, Larson, McCann, Mills, Nelson, Peck, Schwinden, Tropila, Tuss, Wennemar, Wyatt.

Total 21

Excused: None.

Total 0

Absent or not voting: Barnhart, Squires.

Total 2

**HB 362** - Representative Forbes moved HB 362 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Carey, Heavy Runner, Schwinden, Tuss, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: Barnhart, Orr.

Total 2

**HB 364** - Representative Mills moved HB 364 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, DeBruycker, Denny, Ellis, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Jore, Kasten, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Murdock, Nelson, Ohs, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 54

Noes: Arnott, Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Galvin, Hagener, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCann, McCulloch, Menahan, Molnar, Orr, Pavlovich, Peck, Quilici, Ream, Ryan, Schwinden, Shea, Squires, Tash, Tropila, Tuss, Wennemar, Wyatt.

Total 43

Excused: None.

Total 0

Absent or not voting: Keenan, Raney, Swanson.

Total 3

**HB 365** - Representative Cobb moved HB 365, second reading copy, be amended as follows (amendment #1):

1. Title, lines 8 through 12.

Strike: "REQUESTING" on line 8 through "HOURS;" on line 12

2. Page 2, lines 22 through 25.

Strike: Subsection (2) in its entirety

Renumber: subsequent subsections



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Rehbein.

Total 1

Excused: None.

Total 0

Absent or not voting: Galvin, R. Johnson, Keenan, Nelson.

Total 4

Representative Cobb moved HB 365, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Stovall, Taylor, Trexler, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook.

Total 77

Noes: Barnett, Cocchiarella, DeBruycker, Ewer, Feland, Harrington, Herron, Hurdle, Martinez, Masolo, Ream, Ryan, Shea, Somerville, Squires, Swanson, Tash, Tropila, Vick, Mr. Speaker.

Total 20

Excused: None.

Total 0

Absent or not voting: Grady, Jore, Quilici.

Total 3

**HB 437** - Representative Wells moved HB 437 do pass. Motion failed as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Forbes, Fuchs, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Masolo, McGee, Mills, Molnar, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Mr.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Speaker.  
Total 50

Noes: Arnott, Barnhart, Bergsagel, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Fisher, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Knox, Kottel, Larson, Martinez, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Soft, Squires, Story, Stovall, Swanson, Tropila, Tuss, Wennemar, Wyatt, Zook.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 479** - Representative Arnott moved HB 479 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook.  
Total 79

Noes: Barnett, Boharski, Carey, Ellis, Feland, Grinde, Jore, Kadas, Kasten, Molnar, Ream, Rehbein, Schwinden, Sliter, S. Smith, Trexler, Tropila, Tuss, Vick, Mr. Speaker.  
Total 20

Excused: None.  
Total 0

Absent or not voting: Forbes.  
Total 1

**HB 408** - Representative Sliter moved HB 408 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Noes: Barnhart, Cocchiarella, Hagener, Hurdle, R. Johnson, Ryan, Soft, Swanson, Wennemar.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 417** - Representative Mills moved HB 417 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Brainard, Clark, S. Smith, Vick.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Marshall, McKee.  
Total 2

**HB 420** - Representative Ewer moved HB 420 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Absent or not voting: Orr.

Total 1

**HB 421** - Representative Ewer moved HB 421 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Clark, Jore, Rehbein, Story.

Total 4

Excused: None.

Total 0

Absent or not voting: Orr, S. Smith.

Total 2

**HB 424** - Representative Keenan moved HB 424 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

**HB 425** - Representative Keenan moved HB 425 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Grimes, McGee.

Total 2

Excused: None.

Total 0

Absent or not voting: Fisher, M. Hanson.

Total 2

**HB 428** - Representative Ewer moved HB 428 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ellingson, Simon.

Total 2

**HB 432** - Representative Wiseman moved HB 432 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: J. Johnson, Rehbein.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Ellingson, Grady, Grimes, Simpkins, Stovall.  
Total 5

**HB 433** - Representative Grady moved HB 433 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Anderson, Hurdle, Story.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Masolo, Molnar.  
Total 2

**HB 434** - Representative Cobb moved HB 434, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 11, 17, 18, 20, 21, and 29.  
Page 2, line 25.  
Strike: "folk"

2. Page 1, line 24.  
Strike: "Folk"  
Insert: "Montana"

3. Page 1, line 26.  
Following: first "and"  
Insert: "a"  
Strike: "other folk"  
Insert: "of Montana cultural"



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

4. Page 2, line 5.

Strike: "folk and"

5. Page 2, line 24.

Strike: "folk and"

Insert: "Montana's"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: DeBruycker, Denny, Vick.

Total 3

Excused: None.

Total 0

Absent or not voting: Bergman, Boharski, Jore, Kottel, Mills, Molnar, S. Smith.

Total 7

Representative Cobb moved HB 434, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, Denny, Feland, Jore, Vick.

Total 5

Excused: None.

Total 0

Absent or not voting: Bergman, Boharski, S. Smith.

Total 3

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

**HB 448** - Representative Somerville moved HB 448 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Carey, Devaney, McGee, Ream, Schwinden, Trexler.

Total 6

Excused: None.

Total 0

Absent or not voting: Cocchiarella, Heavy Runner, Hurdle.

Total 3

**HB 449** - Representative Swanson moved HB 449, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 16.

Strike: "department of social and rehabilitation services"

Insert: "state auditor"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergman, Cocchiarella, Denny, Herron, Martinez.

Total 5

Excused: None.

Total 0

Absent or not voting: Green, Orr, Vick.

Total 3

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Representative Swanson moved HB 449, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Devaney, Ellingson, Elliott, Ewer, Galvin, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Nelson, Ohs, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, L. Smith, Somerville, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.

Total 56

Noes: Anderson, Arnott, Barnett, Bergman, Boharski, Brainard, Curtiss, DeBruycker, Denny, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Herron, Holland, R. Johnson, Jore, Kasten, Martinez, McGee, Mills, Molnar, Murdock, Orr, Rehbein, Simpkins, Sliter, S. Smith, Soft, Stovall, Tash, Taylor, Vick, Wagner, Wells, Zook.

Total 40

Excused: None.

Total 0

Absent or not voting: Cobb, Ellis, Pavlovich, Mr. Speaker.

Total 4

**HB 457** - Representative Vick moved HB 457 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Wiseman, Mr. Speaker.

Total 86

Noes: Brainard, Cocchiarella, DeBruycker, Ellingson, Feland, Heavy Runner, Kasten, Rehbein, Tuss, Wagner, Wennemar, Zook.

Total 12

Excused: None.

Total 0

Absent or not voting: Jore, Wyatt.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Harrington moved that the Committee of the Whole report be adopted. Report adopted. (87-6)



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

**REPORTS OF STANDING COMMITTEES**

AGRICULTURE, LIVESTOCK & IRRIGATION (Barnett, Chairman):  
**HB 445**, introduced bill, be amended as follows:

2/17/95

1. Title, line 7.

Strike: "STATUTORILY APPROPRIATING PROGRAM FUNDS;"

2. Title, line 9.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "7-22-2126"

Strike: "AND 17-7-502"

3. Page 3, line 15.

Strike: "nine"

Insert: "10 voting"

Following: "members"

Insert: "and 2 ex officio, nonvoting members"

4. Page 3, line 17.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

5. Page 3, line 18.

Strike: "one member who is a producer"

Insert: "four members who are producers"

6. Page 3, line 19.

Following: "program"

Insert: "and who represent different geographical areas of the state"

7. Page 3, line 21.

Following: "livestock"

Insert: "or agricultural"

8. Page 3, line 22.

Strike: subsection (f) in its entirety

Renumber: subsequent subsections

9. Page 3, line 23.

Strike: "one member"

Insert: "two members"

10. Page 3, line 24.

Strike: "a member"

Insert: "members"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Following: "association"

Insert: "and who represent different geographical areas of the state"

11. Page 3, line 25.

Strike: "and"

12. Page 3, line 26.

Strike: subsection (i) in its entirety

Insert: "(g) the director of the Montana state university extension service or a designated representative, who is an ex officio, nonvoting member; an (h) the director of the Montana state university agricultural extension service, who is an ex officio, nonvoting member."

13. Page 3.

Following: line 26

Insert: "(3) The members shall serve staggered 3-year terms. A member may not serve for more than two consecutive terms."

14. Page 4, line 12.

Following: "establish"

Strike: "forage inspection"

Following: "assessments"

Insert: "and accept other funds"

15. Page 5, line 9.

Following: "department"

Insert: ", based on the advice of the advisory council,"

16. Page 5, line 17.

Strike: subsection (f) in its entirety

Renumber: subsequent subsections

17. Page 5, lines 28 through 30.

Following: "(2)"

Strike: remainder of subsection (2) in its entirety

Insert: "The department may by contract allow for the collection of fees authorized under [section 7]. A portion of the fees collected may be retained by the collector, and the portion of the fees assigned to the department must be submitted to the department. The contract must require: (a) a record of the name of the person collecting fees; (b) a record of fees collected; (c) a record of the amounts submitted to the department; (d) a record of the amount retained by the collector; and (e) that all records be kept in accordance with generally accepted accounting principles."

18. Page 6, line 5.

Following: "department"

Insert: "for the administration of the noxious weed seed free forage program and"

19. Page 6, line 8.

Following: "may"

Insert: ", based on the advice of the advisory council appointed under [section 4],"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

20. Page 9, line 18 through page 10, line 17.

Strike: section 18 in its entirety

Renumber: subsequent sections

21. Page 10, line 28.

Following: "9,"

Strike: "and"

Following: "18"

Strike: "through 20"

Insert: ", 19,"

And, as amended, do pass. Report adopted.

**HB 520**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "15-1-101,"

Insert: "15-24-921,"

2. Title, line 6.

Strike: "33-1-206,"

Strike: "60-7-201,"

3. Title, lines 6 and 7.

Strike: "69-14-707" on line 6 through "81-2-102," on line 7

4. Title, lines 7 and 8.

Strike: "81-4-215" on line 7 through "81-5-101," on line 8

5. Page 3.

Following: line 27

Insert: "Section 2. Section 15-24-921, MCA, is amended to read:

"15-24-921. Per capita tax levy to pay expenses of enforcing livestock laws. (1) In addition to appropriations made for those purposes, a per capita tax is authorized and directed to be levied by the department on all poultry and bees, all swine 3 months of age or older, and all other livestock 9 months of age or older in each county of this state for the purpose of aiding in the payment of the salaries and all expenses connected with the enforcement of the livestock laws of the state and for the payment of bounties on wild animals as provided in 81-7-104.

(2) As used in this section, "livestock" means cattle, sheep, swine, poultry, bees, goats, horses, mules, asses, llamas, alpacas, domestic bison, ostriches, rheas, and emus, and domestic ungulates."

Renumber: subsequent sections

6. Page 5, line 7 through page 7, line 8.

Strike: section 5 in its entirety

Renumber: subsequent sections

7. Page 8, lines 1 through 10.

Strike: section 7 in its entirety



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Renumber: subsequent sections

8. Page 9, line 15 through page 12, line 29.  
Strike: sections 9 through 12 in their entirety  
Renumber: subsequent sections

9. Page 13, line 24 through page 15, line 12.  
Strike: sections 15 through 20 in their entirety  
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 564**, introduced bill, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman): 2/17/95  
**HB 454**, introduced bill, do pass. Report adopted.

FISH & GAME (Wagner, Chairman): 2/17/95  
**HB 339**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "ISSUED"  
Strike: "BY DRAWING"

2. Title, lines 6 and 7.  
Strike: "NONRESIDENTS" on line 6 through "THAT" on line 7

3. Title, lines 8 through 10.  
Following: "BASIS;" on line 8  
Strike: remainder on line 8 through "YEARS;" on line 10

4. Title, line 10.  
Following: "AMENDING"  
Strike: "SECTIONS 87-2-506,"  
Insert: "SECTION"  
Following: "87-2-702"  
Strike: ", AND 87-2-704"

5. Page 1, lines 14 through 26.  
Strike: section 1 in its entirety  
Renumber: subsequent section

6. Page 2, line 12 through page 3, line 2.  
Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

**HB 348**, introduced bill, be amended as follows:

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

1. Title, line 7.

Strike: "PROTECT AND PRESERVE NATURAL RESOURCES"

Insert: "ADDRESS IMPACTS CAUSED BY RECREATIONAL USERS"

2. Page 1, line 18.

Strike: "protect the resource"

Insert: "address impacts caused by recreational users"

3. Page 1, line 28.

Strike: "protect the resource"

Insert: "address impacts caused by recreational users"

4. Page 2, line 21.

Strike: "protect and preserve natural resources"

Insert: "address impacts caused by recreational users"

5. Page 2, line 27.

Insert: "(3) Nothing in this section may be construed to restrict or interfere with existing water rights or private property rights."

6. Page 3, line 21.

Following: "(i)"

Strike: "protect and preserve natural resources"

Insert: "address impacts caused by recreational users"

And, as amended, do pass. Report adopted.

**HB 439**, introduced bill, be amended as follows:

1. Page 2, line 1.

Following: second "landowner"

Strike: "and"

Insert: ". This subsection may not be construed to impair or impede the ability of a game warden to enter private property during the course of a lawful pursuit or when the game warden has probable cause to believe that a fish and game violation has occurred or is about to occur."

And, as amended, do pass. Report adopted.

**HUMAN SERVICES & AGING** (Grimes, Chairman):

2/17/95

**HB 340**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "THE"

Insert: "A"

2. Title, line 6.

Following: "CHILD;"

Insert: "REVISING THE LAW EXCUSING CONSENT FOR ADOPTION IN THE CASE OF A PARENT WHO

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

HAS COMMITTED CERTAIN CRIMES AGAINST THE CHILD TO EXCUSE CONSENT FROM A PARENT WHO HAS COMMITTED CERTAIN CRIMES AGAINST ANY CHILD;"

3. Page 1, line 15.

Strike: "the"

Insert: "a"

4. Page 1, line 16.

Strike: "the"

Insert: "a"

5. Page 1, line 17.

Strike: "the" in two places

Insert: "a" in two places

And, as amended, do pass. Report adopted.

**HB 385**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "ENFORCES SUPPORT;"

Insert: "AUTHORIZING SALE OF SUPPORT DEBTS;"

Following: "SECTIONS"

Insert: "27-2-201,"

Following: "40-5-226"

Insert: ", 40-5-255"

2. Page 10.

Following: line 28

Insert: "Section 6. Section 40-5-255, MCA, is amended to read:

"40-5-255. Charging off child support debts as uncollectible -- sale of support debts. (1) Any support debt due the department from an obligor, which debt the department determines uncollectible, may be transferred from accounts receivable to a suspense account and cease to be accounted as an asset. If a warrant for distraint has been filed and the support debt has subsequently been charged off as uncollectible, the department shall issue a release of lien.

(2) At any time after 10 years from the date of termination of the support obligation, the department may charge off as uncollectible any support debt upon which the department finds there is no available, practical, or lawful means by which the support debt may be collected. A proceeding or action under the provisions of this part may not be begun after expiration of the 10-year period to institute collection of a support debt. This part may not be construed to render invalid or nonactionable a warrant for distraint issued by the department prior to the expiration of the 10-year period or an assignment of earnings executed prior to the expiration of the 10-year period.

(3) The department may discount and sell to a private collection agency, credit bureau, or other private entity any interest that the state and the department may have in the unpaid balance of the support debt created by 40-5-221 and 53-4-248 or assigned to the department under 53-2-613.

(a) The sale shall be by sealed bid to the highest bidder provided that the highest bid is not less than 10 % of the value of the support debt subject to the sale.

(b) The sale shall be subject to conditions and terms which the department may set out in a sales contract.

(c) The department shall publish notice of the sale in a newspaper having statewide circulation once a week



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

for 4 successive weeks.

(d) Proceeds shall be paid into the state treasury to the credit of the child support enforcement division special revenue fund."

Renumber: subsequent sections

3. Page 11.

Following: line 17

Insert: "Section 8. Section 27-2-201, MCA, is amended to read:

"27-2-201. Actions upon judgments. (1) Except as provided in ~~subsection~~ subsections (3) and (4), the period prescribed for the commencement of an action upon a judgment or decree of any court of record of the United States or of any state within the United States is within 10 years.

(2) The period prescribed for the commencement of an action upon a judgment or decree rendered in a court not of record is within 5 years. The cause of action is considered, in that case, to have accrued when final judgment was rendered.

(3) The period prescribed for the commencement of an action to collect past-due child support that has accrued after October 1, 1993, under an order entered by a court of record or administrative authority is within 10 years of the termination of support obligation.

(4) The period prescribed for the commencement of an action to collect past-due child support that has accrued under a support order issued in another state, in a foreign country, or in a tribal court is as provided in subsection (3) or as provided in the law of the issuing jurisdiction, whichever period is longer."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 484**, introduced bill, be amended as follows:

1. Title, line 10.

Following: "LEGISLATURE"

Insert: "AND THE OFFICE OF BUDGET AND PROGRAM PLANNING; REQUIRING THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO APPLY FOR A MEDICAID WAIVER UPON A DETERMINATION BY THE OFFICE OF BUDGET AND PROGRAM PLANNING"

2. Page 2, line 9.

Following: "legislature"

Insert: "and the office of budget and program planning"

3. Page 3, line 12.

Following: "legislature"

Insert: "and the office of budget and program planning"

4. Page 3.

Following: line 13

Insert: "NEW SECTION. Section 3. Medical savings accounts --review of report -- department to apply for waiver. (1) Upon completion of the studies required by [sections 1 and 2], the department of social and rehabilitation services shall design a medical savings account for the purchase of liability insurance most useful and cost-effective for medicaid recipients.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

(2) Upon receipt of the reports required under [sections 1 and 2], the office of budget and program planning shall determine whether the purchase of disability insurance for participants in the Montana medicaid program, combined with the use of medical savings accounts for those recipients, is more cost-effective than the Montana medicaid program in effect on [the effective date of this act]. If the office determines that the purchase of disability insurance and the use of medical savings accounts is more cost-effective, it shall inform the director of the department of social and rehabilitation services of that fact and the reasons for its determination.

(3) Upon receipt of the determination of the office of budget and program planning pursuant to subsection (2) or as soon thereafter as possible, the department of social and rehabilitation services shall apply to the United States health care financing administration for a waiver from the medicaid statutes or regulations, or both, to enable the department to implement the purchase of disability insurance for participants in the Montana medicaid program combined with use of a medical savings accounts for those participants. The department shall use as the basis for its waiver application the medical savings account designed pursuant to subsection (1).

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 539**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Following: line 6

Strike: lines 7 through "CIGARETTES;" on line 8

Insert: "PROHIBITING THE SALE OF SINGLE CIGARETTES;"

2. Page 2, lines 8 and 9.

Following: "law." on line 8

Strike: remainder of line 8 thorough "package." on line 9

Insert: "Single cigarettes may not be sold."

3. Page 2, line 13.

Following: "\$100."

Insert: "The department may collect the penalty in the manner provided for the collection of other debts."

4. Page 2, line 14.

Following: "16-11-305(1)"

Insert: "or 16-11-307"

5. Page 2, line 19.

Following: line 18

Insert: "(a) A first through third offense is punishable by a verbal notification of violation."

Renumber: subsequent subsections

6. Page 2, line 19.

Strike: "first"

Insert: "fourth"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

7. Page 2, line 21.

Strike: "second"

Insert: "fifth"

8. Page 2, line 25.

Strike: "third"

Insert: "sixth"

9. Page 2, line 27.

Strike: "fourth"

Insert: "seventh"

10. Page 2, lines 29 and 30.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

11. Page 3, line 3.

Strike: "(1)(c)"

Insert: "(2)(d)"

Strike: "(1)(d)"

Insert: "(2)(e)"

12. Page 3, lines 17 through 21.

Following: "notice" on line 17

Strike: remainder of line 17 through "records" on line 21

Insert: "of assessment must provide an opportunity for a hearing pursuant to the provisions of the Montana Administrative Procedure Act. Within 30 days from the date the notice of assessment was mailed, the owner or manager shall notify the department of corrections and human services that the owner or manager objects to the assessment and request a hearing pursuant to this section"

13. Page 3, line 22.

Strike: "subsection (8)"

Insert: "subsections (2)(d) and (2)(e)"

14. Page 3, lines 22 through 26.

Following: "determination" on line 22

Strike: remainder of line 22 through "Act" on line 26

Insert: "issued under subsection (6) that a person has violated 16-11-305(1) or 16-11-307, may not be reheard by the department"

15. Page 4, line 3.

Strike: "fourth"

Insert: "sixth"

16. Page 4, line 5.

Following: "alleged"

Strike: "fourth"



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

17. Page 4, line 9.  
Following: "proceedings, the"  
Strike: "fourth"

18. Page 4, line 22.  
Following: "contract"  
Strike: "or by other means"

19. Page 4, line 27.  
Strike: "16-11-306,"

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):  
**HB 240**, introduced bill, be amended as follows:

2/17/95

1. Title, line 5.  
Strike: "YOUTH COURT"  
Insert: "JUVENILE JUSTICE AND JUVENILE MENTAL HEALTH"

2. Title, line 7.  
Strike: "STUDY"  
Insert: "COMPREHENSIVE REVIEW AND ASSESSMENT"  
Strike: "YOUTH COURT ACT"  
Insert: "JUVENILE JUSTICE SYSTEM AND JUVENILE MENTAL HEALTH SYSTEM"

3. Page 1, line 24.  
Following: "balance"  
Insert: "; and

WHEREAS, it is important that all services to youth in the juvenile justice system and mental health services delivery system be coordinated in a single, seamless continuum of care and treatment"

4. Page 1, lines 26 and 27.  
Strike: "study" on line 26 through "system" on line 27  
Insert: "complete a comprehensive review and assessment of the Montana juvenile justice system and the mental health services delivery system for youth and develop a plan to ensure the effective and efficient delivery of services to all youth in those systems"

5. Page 2, line 1.  
Strike: "Youth court"  
Insert: "Juvenile justice"

6. Page 2, line 2.  
Strike: "youth court"  
Insert: "juvenile justice"

7. Page 2, line 8.  
Strike: "district"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Insert: "youth"

Strike: "selected by the Montana judges' association"

Insert: "appointed by the governor"

8. Page 2, line 9.

Strike: "selected"

Insert: "appointed"

Following: "by the"

Insert: "governor from three candidates nominated by the"

9. Page 2, line 10.

Strike: "the presiding officer"

Insert: "a member"

10. Page 2, line 11.

Strike: "the chief" through "services"

Insert: "a parent or guardian of a youth being treated or supervised"

11. Page 2, line 12.

Strike: "the president or executive director of"

Insert: "a juvenile probation officer appointed by the governor from three candidates nominated by"

Strike: "and"

12. Page 2, line 13.

Strike: "a delegate selected"

Insert: "a county attorney, appointed by the governor from three candidates nominated"

Following: "association"

Insert: ";

(j) a victim of a violent crime committed by a youth, appointed by the governor;

(k) a member of a private agency that provides treatment services to youth, appointed by the governor;

(l) a young adult who was formerly adjudicated to be a juvenile delinquent or youth in need of supervision, appointed by the governor; and

(m) one employee each of the department of family services, the board of crime control, and the department of corrections and human services, who shall serve as nonvoting members"

13. Page 2, line 20.

Following: "commission."

Insert: "At least one meeting must be held in each mental health region."

14. Page 2, line 30 through line 1 of page 3.

Strike: "Montana" on line 30 of page 2 through "system" on line 1 of page 3

Insert: "juvenile justice system and youth mental health services delivery system. The study must include:

(a) a comprehensive review of past and present programs used to successfully rehabilitate youth and reduce juvenile crime;

(b) a review of methods and programs in other states and nations that have been documented as a success in treating and rehabilitating youth;

(c) the development of a juvenile justice and mental health treatment continuum that provides for community protection, youth accountability, youth competency, meaningful restitution, and successful reintegration of youth into the community;

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

(d) a definition and delineation of the roles and responsibilities of the department of family services and other state and local government agencies working with youth;

(e) a definition and delineation of the roles and responsibilities of the juvenile justice system and the youth mental health services delivery systems; and

(f) a review of the effectiveness and efficiency of each state youth correctional facility and of each detention facility operated by the state, including the feasibility of privatizing each facility"

15. Page 3, line 24.

Following: "deposited"

Insert: "in quarterly installments that are sufficient to meet the commission's costs for each quarter"

16. Page 3, line 25.

Following: first "council"

Insert: ". The first installment must be deposited"

17. Page 3, line 26.

Strike: "these funds have"

Insert: "the first installment has"

And, as amended, do pass. Report adopted.

**HB 366**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

Following: ";" on line 8

Strike: the remainder of line 8 through the end of line 9.

2. Title, lines 14 through 16.

Following: ";" on line 14

Strike: the remainder of line 14 through ";" line 16

3. Title, line 16.

Strike: "50-16-603,"

4. Title, line 17.

Following: "52-3-804,"

Strike: "52-3-811,"

Following "52-3-813,"

Insert: "AND"

Strike: "53-20-161, AND 53-21-166,"

5. Page 1, line 23 through page 2, line 15.

Strike: section 1 of the bill in its entirety

Renumber: subsequent sections

6. Page 5, line 7 through page 6, line 15.

Strike: section 6 of the bill in its entirety

Renumber: subsequent sections



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

7. Page 9, line 14 through page 15, line 8.

Strike: sections 9 through 12 of the bill in their entirety

Renumber: subsequent sections

8. Page 15, lines 22 through 24.

Strike: section 16 of the bill in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 380**, introduced bill, be amended as follows:

1. Page 6, line 18.

Strike: "."

Insert: ". A youth may not be sentenced to a state youth correctional facility unless the department informs the judge that space is available for the youth at that facility. The sentencing judge may not place limitations on the release unless the judge has sought and considered release limitations recommended by the youth placement committee."

2. Page 6, line 19.

Strike: "the"

Insert: "a"

Following: "youth"

Insert: "found to be delinquent"

3. Page 6, line 21.

Strike: "."

Insert: ". Before placement, the sentencing judge shall seek and consider placement recommendations from the youth placement committee. The judge may not place the youth in an in-state residence unless the department informs the judge that space is available for the youth at that residence."

And, as amended, do pass. Report adopted.

**HB 429**, introduced bill, be amended as follows:

1. Page 1, line 15.

Strike: "matters" in two places

Insert: "records" in two places

Strike: "All"

Insert: "Except as provided in 41-5-603, all"

2. Page 2, line 11

Following: "~~41-5-601~~"

Insert: ", except that in the court's discretion, the general public may be excluded if the petition does not allege that the youth is delinquent

3. Page 2, line 24.

Following: "studies."

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Strike: "and"

4. Page 2, line 25.

Following: "probationers"

Insert: ", and any report, charge, or allegation that is not adjudicated pursuant to this chapter"

And, as amended, do pass. Report adopted.

**HB 491**, introduced bill, do pass. Report adopted.

**HB 501**, introduced bill, do pass. Report adopted.

**HB 540**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "39-71-117, 39-71-118, 39-71-774,"

2. Page 1, line 18 through line 30 of page 5.

Strike: sections 2 through 4 of the bill in their entirety

Renumber: subsequent sections

3. Page 9, line 14.

Following: "detention,"

Insert: "competency development, community protection,"

4. Page 20, line 5.

Strike: "or"

5. Page 20, line 7.

Following: "10"

Insert: "; or

(e) in a detention facility"

6. Page 20, line 15.

Strike: "or"

7. Page 20, line 16.

Following: "facility"

Insert: "; or

(e) a community youth court program"

8. Page 21, line 6.

Strike: "include"

Insert: "preclude"

9. Page 25, line 13.

Following: "against"

Insert: "persons other than"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Strike: "or other persons"

10. Page 31, lines 6 and 7.

Strike: "A youth" on line 6 through "1 week." on line 7

11. Page 31, line 8.

Strike: "2 weeks"

Insert: "5 days"

12. Page 31, line 9.

Following: "points"

Insert: ", "

Strike: "30"

Insert: "10"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Boharski, Chairman):

2/17/95

**HB 308**, introduced bill, be amended as follows:

1. Page 3, line 13.

Following: "facilities."

Insert: "In establishing and imposing the facilities charge, the board may use any one or a combination of the methods of assessment applicable to rural special improvement districts as provided in 7-12-2151."

2. Page 3, line 18.

Following: "(4)(a)"

Insert: "A district may elect to have its delinquent charges for water or sewer services collected as a tax against the property by following the procedures of this subsection (4)."

Following: "services"

Strike: "incurred"

Insert: "is due and payable"

3. Page 5, line 20.

Strike: subsection (g) in its entirety

Renumber: subsequent subsections

4. Page 5, line 23.

Following: "by other"

Insert: "like"

And, as amended, do pass. Report adopted.

**HB 358**, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/17/95

**HB 473**, introduced bill, do pass. Report adopted.



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

**HJR 22**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "LEGISLATION" through "LEGISLATURE"

Insert: "RULES"

2. Title, lines 7 and 8.

Strike: ", AS" on line 7 through "OBTAINED" on line 8

3. Page 1, line 11.

Following: "quality"

Insert: "operating"

4. Page 1, line 23.

Strike: "legislation"

Insert: "rules"

5. Page 1, line 24.

Strike: "55th Legislature"

Insert: "Board of Health and Environmental Sciences"

6. Page 1, line 26.

Strike: "costing" through "million"

7. Page 1, line 27.

Following: second "as"

Insert: "the size of the change is below a de minimis level established by the Board through rulemaking and"

8. Page 1, lines 29 through 30.

Strike: "and" on line 29 through "obtained" line 30.

And, as amended, do pass. Report adopted.

**HJR 24**, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "reasonable"

And, as amended, do pass. Report adopted.

**HJR 25**, introduced bill, do pass. Report adopted.

**SPECIAL ORDERS OF THE DAY**

After being presented to the members of the House by Speaker Mercer, United States Senator Conrad Burns was escorted to the rostrum by Representatives Martinez, Peck, Swanson, and H. Hanson and gave the following address:

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

SENATOR BURNS' ADDRESS  
To the Montana House of Representatives  
February 17, 1995

TRANSITION -- CHANGE. It is as constant and it is as American as apple pie.

Thank you for your kind welcome.

Thank you for what you do. Your service and your dedication to Montana and her people.

Transition - changing.

We have heard that 1994 was a landmark year in political terms - in Washington and here in Helena.

I would suggest that this is nothing new, especially in a society that enjoys as many freedoms as this society enjoys. There is constant change.

As in any election the American people send a message.

And we hear it and act accordingly. What were they saying?

We will get as many versions of that message as there are editorial writers, as there are Democrats and Republicans, as there are coffee shops, student unions, service clubs. Anywhere you will find human conversation.

Whatever you perceived it to be, elected representatives everywhere are re-assessing the role and mission of government. I would suggest that if they are not, they should be.

What is the primary role of government?

Public safety (fire and disaster, police),  
Public essentials (water, power, and public health),  
Transportation and education.

In the areas of

Education - The business of educating our children in all aspects of American life and American tradition and history is the responsibility of the entire community.

Business and professional, labor and service industries at the elementary, secondary levels and in our colleges and vo-tech. If we are to educate and train for the skills that are demanded of the work force today and what will be demanded in the 21st century, those policy decisions must be made at the local level. But the investment decisions in the infrastructure will be made here and we must assess them very carefully.

Little or no investment now could mean impossible re-building problems in the future.

I don't think you want that to happen.

Welfare Reform - What was termed as a safety net, now, in some instances, has turned into a hammock.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

It is time for reform. It is time for states and local governments to be given the flexibility to fashion the programs that work for them.

That is not to say the federal government does not have a role, but once the federal government starts down the road of financing and dictating policy in a one size fits all approach, it is easy to strip back funding and retain policy.

The system in this area, such as these of our own Gov. Marc Racicot and Gov. Tommy Thompson of Wisconsin, just to name a couple and there are more, should be given full range to work with their state legislatures and local governments, to design programs that keep spending in check and that fulfill the needs of local communities. They, along with other governors across this land, should be given full credit for the innovations they have brought to the table thus far - their strong message was heard in Washington earlier this year.

This 104th Congress passed the "Unfunded Mandate" early on in the session with the support of state and local government. I would hope it will make the federal government more aware and responsible to the state and local governments.

As this debate moves forward in Washington, I find it amusing that those who have always believed in big federal centralized government's ability to solve all our social and fiscal problems, are finding out that there are groups of high purpose that want to assume services and responsibilities for the quality of life in their own local communities.

But, moving the decision making process and control from Washington to the local communities has not been viewed with great enthusiasm by everybody. In fact, it has been met with a great deal of criticism and is questioned by, you guessed it, federal governmental bureaucracies.

Accountability. Our greatest challenge. We have the awesome task of maintaining and in some cases, rebuilding. In the past much was promised, less was delivered and that translated into a lack of confidence in our government institutions. The lack of accountability does not identify with just one side of the aisle or the other.

In a matter of a few weeks, this Congress put elected representatives under the same rules and regulations that have been placed on the private sector.

Balanced budget. The House has passed it. The Senate is about to talk it to death. As one who sits on the appropriations committee, I see a need for some of my fellow colleagues to have guidelines to say "no".

But it doesn't start there or doesn't end there with just "no."

It forces all of us to set priorities, to fund what must be funded and defer what should be deferred or is marginal at best.

To look at and take note of all the government programs, none are above scrutiny. After all, some have outlived their usefulness.

We could and should eliminate or combine those programs that are designed to do the same thing. Redundancy is rampant. For example, job training. One hundred forty some odd programs administrated by 14 different agencies all designed to do the same thing.

We could and should eliminate funding for the un-authorized government programs. Would it surprise you



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

that the national biological survey that is funded and in progress has never passed either house of your federal government or ever been signed into law by the President.

The vast number of people who know and understand self government also know that it takes money to provide government services.

To educate our generation and the generations to come.

To provide public safety through emergency networks and infrastructure, effective police and fire departments.

To provide the best transportation system from roads, to air, to rail.

and, to deal with policies that address. . .

. . . telecommunications, for the business community, for the education community, for the health care providers, for the linking of different cultures for tearing down old barriers, seeking new ideas, finding answers.

. . . the management of our natural resources that produce new wealth for the nation and the economic and social foundation of our Montana communities.

It is incumbent on all, to work in a common sense way, to solve some of the complex problems we face. Some would say complex problems demand complex answers. Doing the right thing is often very simple. It just takes bold political courage.

You are men and women of courage, guided by your love for this state and this country.

There are times; however, the critics outnumber the problem solvers. I remember the words of Theodore Roosevelt:

"It is not the critic who counts, not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better.

The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, and comes up short again and again, because there is no effort without error and shortcoming;

but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who at best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

You and I are the hope and the future of generations to come. We must not shirk our duties or our vigilance. The stakes are too high.

No other country in the world offers as much in personal, political, and economic freedom as does the United States of America.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

But those freedoms do not come without a high degree of personal and public sacrifice and responsibility. No citizen is exempt from that responsibility or the sacrifice.

Change? My fellow Montanans, that change you voted for will not come if you do not involve yourself in all levels of government. Elected bodies and the bureaucracies will not if there is no citizen involvement to make it happen.

Ben Franklin once said, "Those who would sacrifice freedom for security deserve neither."

Our challenge is before us and the task has been defined. Let us work together for our great state of Montana and this nation.

Representatives Martinez, Peck, Swanson, and H. Hanson escorted Senator Burns from the House Chamber.

**MOTIONS**

**HB 437** - Representative Wells moved the House reconsider its action on HB 437 taken on second reading this legislative day. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harrington in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 460** - Representative Quilici moved HB 460 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Boharski, DeBruycker, Denny, Feland, Jore, Kasten, McGee, Rehbein, L. Smith, S. Smith, Trexler, Vick.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Curtiss.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Total 1

**HB 462** - Representative Ewer moved HB 462 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Cobb, Fuchs, McGee, Rehbein, Story, Trexler.

Total 7

Excused: None.

Total 0

Absent or not voting: Molnar, Shea.

Total 2

**HB 463** - Representative Ewer moved HB 463 do pass. Motion carried as follows:

Ayes: Anderson, Arnott, Barnett, Barnhart, Bohlinger, Carey, Cocchiarella, Devaney, Ellingson, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, Harper, Harrington, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Swanson, Tash, Tropila, Vick, Wells, Wennemar, Wiseman, Zook.

Total 65

Noes: Ahner, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Elliott, Feland, Fuchs, H.S. Hanson, M. Hanson, Hayne, Jore, Kasten, Martinez, Masolo, McCann, Molnar, Rehbein, L. Smith, S. Smith, Story, Stovall, Taylor, Trexler, Tuss, Wagner, Wyatt, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: Heavy Runner, Ohs.

Total 2

**HB 472** - Representative Knox moved HB 472 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cobb, DeBruycker, Heavy Runner, Kasten, Rehbein, Rose.

Total 6

Excused: None.

Total 0

Absent or not voting: Ohs.

Total 1

**HB 474** - Representative Cobb moved HB 474 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 475** - Representative Forbes moved HB 475 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Mr. Speaker.  
Total 89

Noes: Denny, Grinde, Hagener, Hurdle, Kasten, Peck, Rehbein, Simpkins, Wyatt.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Grimes, McGee.  
Total 2

**HB 478** - Representative Knox moved HB 478, second reading copy, be amended as follows (amendment #1):

1. Page 7, line 27.  
Following: "Review."  
Strike: "(1)"

2. Page 7, line 30 through Page 8, line 2.  
Strike: subsection (2) in its entirety.

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Rose, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.  
Total 82

Noes: Arnott, Cobb, Ewer, Fisher, Harper, Hurdle, Menahan, Raney, Ream, Ryan, Schwinden, S. Smith, Wyatt.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Grady, Hagener, Jore, Kottel, Vick.  
Total 5

Representative Story moved HB 478, as amended, do pass.

Representative Story moved consideration of HB 478 be placed at the bottom of the second reading board. Motion carried.

**HB 488** - Representative Tuss moved HB 488 do pass. Motion carried as follows:

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Arnott, Boharski, DeBruycker, Denny, Fuchs, Green, Grimes, R. Johnson, Jore, Kasten, Knox, Molnar, Rehbein, Sliter, S. Smith, Vick, Wiseman.

Total 17

Excused: None.

Total 0

Absent or not voting: Bergman, Feland, Grinde.

Total 3

**HB 494** - Representative Clark moved HB 494 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Ewer, Jore, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Boharski, Raney, S. Smith, Story.

Total 4

**HB 498** - Representative Cocchiarella moved consideration of HB 498 be placed below HB 499 on the second reading board. Motion carried.

**HB 499** - Representative Cocchiarella moved HB 499 do pass. Motion failed as follows:

Ayes: Ahner, Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Squires, Swanson, Tropila,



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Tuss, Wennemar, Wyatt.  
Total 41

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook.  
Total 57

Excused: None.  
Total 0

Absent or not voting: Bohlinger, Mr. Speaker.  
Total 2

**HB 498** - Representative Cocchiarella moved consideration of HB 498 be passed for the day. Motion carried.

Representative Menahan assumed the Chair at this time.

**HB 502** - Representative Cocchiarella moved HB 502 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergsagel, Boharski, Carey, Clark, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Barnett, Bergman, Brainard, DeBruycker, Devaney, Feland, Hayne, Jore, Kasten, Marshall, McGee, Rehbein, S. Smith, Vick, Wagner, Wells.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Bohlinger, Cobb, Harrington.  
Total 3

**HB 537** - Representative Fuchs moved HB 537, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Bohlinger, DeBruycker, Feland, Fuchs, H.S. Hanson, R. Johnson, Rehbein, Ryan.  
Total 9

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Excused: None.

Total 0

Absent or not voting: Ellis, Ohs.

Total 2

Representative Larson moved HB 537 do pass.

Representative Harrington moved HB 537, second reading copy, be amended (amendment #2). Amendment #2 failed as follows:

Ayes: Cocchiarella, Harrington, Heavy Runner, R. Johnson, Murdock, Peck, Quilici, Shea, Wyatt.

Total 9

Noes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 91

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Ewer moved HB 537, second reading copy, be amended as follows (amendment #3):

1. Page 1, line 20.

Strike: "10-year"

Insert: "5-year"

Amendment #3 passed as follows:

Ayes: Arnott, Barnett, Barnhart, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Ellis, Ewer, Fisher, Fuchs, Grimes, Hagener, Harper, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Knox, Kottel, Marshall, McCann, McGee, McKee, Mills, Nelson, Peck, Raney, Ream, Rehbein, Rose, Simon, Simpkins, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.

Total 54

Noes: Ahner, Anderson, Bergman, Bohlinger, Brainard, Carey, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Feland, Forbes, Galvin, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Harrington, Herron, Keenan, Kitzenberg, Larson, Martinez, Masolo, McCulloch, Menahan, Molnar, Murdock, Ohs, Orr, Pavlovich, Quilici, Ryan, Schwinden, Shea, Sliter, Squires, Tropila, Tuss, Wagner, Wyatt.

Total 44

Excused: None.

Total 0

Absent or not voting: Holland, L. Smith.

Total 2

Representative Larson moved HB 537, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Harrington, Ryan.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 536** - Representative Mills moved HB 536, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 15.

Following: "pharmacy technicians"

Insert: "or otherwise define the role of the pharmacist in"

2. Page 4, line 23.

Following: "and"

Insert: "and"



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

3. Page 4, line 25.

Strike: "AND"

Insert: "."

4. Page 4, lines 26 through 28.

Strike: Lines 26 through 28 in their entirety

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Boharski, Ewer, Feland, Grady, Herron, Ream, S. Smith.

Total 7

Representative Mills moved HB 536, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Feland, Fisher, Martinez, Murdock, Orr, L. Smith, S. Smith, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: Jore, Kottel, Squires.

Total 3

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

**HJR 21** - Representative Schwinden moved HJR 21 do pass. Motion failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Galvin, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kitzenberg, Larson, Marshall, Masolo, McCann, McCulloch, Menahan, Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, Squires, Stovall, Tash, Trexler, Tropila, Tuss, Wennemar, Wyatt.

Total 43

Noes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Devaney, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Martinez, McGee, McKee, Mills, Molnar, Murdock, Ohs, Orr, Rehbein, Rose, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Swanson, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: Bohlinger, Cobb.

Total 2

**HB 54** - Representative T. Nelson moved Senate amendments to HB 54 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Forbes, Grinde, Wells.

Total 3

**HB 73** - Representative Pavlovich moved Senate amendments to HB 73 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne,

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Grinde, Jore.  
Total 2

**HB 478** - Representative Story moved consideration of HB 478 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Harrington moved that the Committee of the Whole report be adopted.

Representative Cocchiarella made a substitute motion HB 499 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried. (63-34)

**MOTIONS**

**HB 495** - Representative R. Johnson moved HB 495 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day. Motion failed. (39-61)

**HB 460** - Representative Quilici moved HB 460 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**HB 365** - Representative Grady moved HB 365 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**HB 479** - Representative Grady moved HB 479 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

**HB 460** - Representative Tash moved he be allowed to change his vote on HB 460, second reading, from not voting to aye. Motion carried.

**HB 537** - Representative Larson moved he be allowed to change his vote on HB 537, second reading, from not voting to aye. Motion carried.

**HB 417** - Representative Mills moved he be allowed to change his vote on HB 417, second reading, from not voting to aye. Motion carried.

**HB 215** - Representative Denny moved he be allowed to change his vote on HB 215, third reading, from nay to



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

aye. Motion carried.

**HB 475** - Representative Bergman moved she be allowed to change her vote on HB 475, second reading, from not voting to aye. Motion carried.

**HB 129** - Representative Raney moved HB 129 be taken from the table in the Committee on Local Government, printed, and placed on second reading this legislative day. Motion failed. (34-63)

**HB 373** - Representative Kottel moved HB 373 be taken from the table in the Committee on Education & Cultural Resources, printed, and placed on second reading this legislative day. Motion failed. (36-64)

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 262: Representative Boharski, Representative Molnar, Representative Orr.

The following sponsors were added to HB 551: Representative Boharski, Representative Ahner, Representative Masolo, Representative L. Smith, Representative Tash, Representative Soft, Representative McGee, Representative Molnar, Representative Curtiss, Representative Martinez, Representative Arnott, Representative Holland, Representative Ellis, Representative Trexler, Representative Grimes, Representative Anderson, Representative Kottel, Representative McCulloch, Representative Larson, Representative Pavlovich, Representative Ream, Representative McCann, Representative Fuchs, Representative Feland, Representative J. Johnson, Representative Hurdle, Representative Ryan, Representative Mercer, Representative Wiseman, Representative Kadas, Representative Carey, Representative Rose.

**REPORTS OF STANDING COMMITTEES**

HEALTH CARE (Orr, Chairman):

2/17/95

**HB 405**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "SMALL EMPLOYER"

2. Page 1, line 30.

Strike: "that obtains"

Insert: "that has been organized and is maintained in good faith for purposes other than that of obtaining"

Following: "insurance"

Strike: ", "

Insert: "or of"

3. Page 2, line 17.

Strike: "of small employers"

Insert: "or to the member employers of a voluntary purchasing pool"

4. Page 2, line 22.

Strike: "for small employers"

5. Page 2, line 23.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Strike: "small employers"

Insert: "disability insurance purchasers"

6. Page 2, line 25.

Strike: "one thousand"

Insert: "1,000"

7. Page 2, line 26.

Following: "membership."

Insert: "The voluntary purchasing pool shall accept for membership any small employers and may accept for membership any employers with more than 25 eligible employees that otherwise meet the requirements for membership."

8. Page 2, line 27.

Page 3, line 7.

Page 3, line 19.

Strike: "small"

9. Page 3, lines 1 through 5.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

10. Page 3, line 6.

Strike: "under all plans offered through the group"

11. Page 3, line 11.

Page 3, line 12.

Page 3, line 14.

Page 3, line 18.

Following: "policies"

Insert: ", certificates,"

12. Page 3, line 13.

Following: "member"

Strike: "small"

Following: "subject to"

Strike: the remainder of line 13

Insert: "the provisions of this part."

13. Page 3, lines 20 and 21.

Strike: subsection (8) in its entirety

Insert: "(7) A person marketing disability insurance policies, certificates, or contracts for a voluntary purchasing pool must be licensed as an insurance producer."

14. Page 3, line 24.

Strike: "5" in both places

Insert: "18" in both places

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

**HB 446**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "INDIVIDUAL"

2. Title, line 6.

Strike: "33-22-101"

Insert: "33-22-110"

Following: "; AND"

Strike: through "MCA"

Insert: "PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 10 through page 2, line 17.

Strike: sections 1 through 3 in their entirety

Insert: "Section 4. Section 33-22-110, MCA, is amended to read:

"33-22-110. Preexisting conditions. (1) Except as provided in subsection (2), a policy or certificate of disability insurance may not exclude coverage for a condition for which medical advice or treatment was recommended by or received from a provider of health care services unless the condition occurred within 5 years preceding the effective date of coverage of an insured person. The condition may only be excluded for a maximum of 12 months.

(2) A health benefit plan may exclude coverage or limit benefits for a preexisting condition for a maximum of 12 months. A health benefit plan may not define a preexisting condition more restrictively than:

(a) a condition for which medical advice, diagnosis, care, or treatment was recommended or received during the 3 years preceding the effective date of coverage of the insured person;

(b) a condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the 3 years preceding the effective date of coverage of the insured person; or

(c) a pregnancy existing on the effective date of coverage of the insured person.

(3) For purposes of subsection (2), a "health benefit plan" means a hospital-incurred or medical expense-incurred policy or certificate, a subscriber contract, or a contract of insurance provided by a health service corporation or a health maintenance subscriber contract.

(4) An insurer may use an application form designed to elicit the complete health history of an applicant and, on the basis of the answers on that application, perform underwriting in accordance with the insurer's established underwriting standards."

NEW SECTION. Section 5. Riders. Except for a policy issued under chapter 22, part 18, a policy of disability insurance may exclude coverage for specific conditions through the use of elimination riders. Except for a policy of disability income insurance, a condition excluded by an elimination rider may be excluded for a period not to exceed 5 years from the effective date of coverage of the insured person."

Renumber: subsequent sections

6. Page 3, line 26.

Strike: "[section 2]"

Insert: "33-22-110(2)"

7. Page 5, line 6.

Strike: section 5 in its entirety

Insert: "

NEW SECTION. Section 4. Retroactive applicability. [Section 2] applies retroactively, within the meaning



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

of 1-2-109, to policies, certificates, or contracts of disability insurance issued prior to [the effective date of this act], except for policies, certificates, or contracts issued under Title 33, chapter 22, part 18.

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval."

Renumber: subsequent section

8. Page 5, lines 9 and 10.

Strike: "Sections 1 and"

Insert: "Section"

Strike: "are"

Insert: "is"

9. Page 5, line 9.

Following: "chapter 22," in both places

Insert: "part 1,"

And, as amended, do pass. Report adopted.

**HB 511**, introduced bill, be amended as follows:

1. Title, line 9.

Following: "AUTHORITY;"

Insert: "TRANSFERRING THE RESPONSIBILITY FOR THE HEALTH CARE DATA BASE TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; TRANSFERRING THE RESPONSIBILITY FOR CERTIFICATES OF PUBLIC ADVANTAGE TO THE DEPARTMENT OF JUSTICE;"

Strike: "AND 50-1-201"

Insert: "50-4-502, 50-4-601, 50-4-603, 50-4-604, 50-4-609, 50-4-610, 50-4-611, AND 50-4-612,"

2. Title, line 10.

Following: line 9

Insert: "50-1-201,"

Following: "50-4-303,"

Insert: "50-4-304,"

3. Title, lines 11 and 12.

Strike: "50-4-502,"

Insert: "AND"

Following: "50-4-503,"

Strike: the remainder of line 11 through "50-4-612," on line 12

4. Page 2, line 12.

Strike: "regional board"

Following: "members"

Insert: "who represent health care planning regions and"

5. Page 2, line 28.

Strike: "The"

Strike: "A"

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

6. Page 7, lines 15 through 25.

Strike: section 9 in its entirety

Renumber: subsequent sections

7. Page 8, line 5.

Insert: "Section 9. Section 50-4-502, MCA, is amended to read:

"50-4-502. Health care data base -- information submitted ~~—enforcement.~~ (1) The authority department, with advice from the health care advisory council, shall design and develop and maintain a unified health care data base that enables the authority, on a statewide basis, to:

~~(a) determine the distribution and capacity of health care resources, including health care facilities, providers, and health care services;~~

~~(b) identify health care needs and direct statewide and regional health care policy to ensure high quality and cost effective health care;~~

~~(c) conduct evaluations of health care procedures and health care protocols;~~

~~(d) compare costs of commonly performed health care procedures between providers and health care facilities within a region and make the data readily available to the public; and~~

(e) compare costs of various health care procedures in one location of providers and health care facilities with the costs of the same procedures in other locations of providers and health care facilities that includes data on health care resources and the cost and quality of health care services. The purpose of the data base is to assist in developing and monitoring the progress of incremental health care reform measures that increase access to health care services, promote cost containment, and maintain quality of care.

(2) The authority department shall by rule require work in conjunction with health care providers, health insurers, health care facilities, private entities, and entities of state and local governments to file with the authority the reports, data, schedules, statistics, and other information determined by the authority to be determine the information necessary to fulfill the purposes of the data base provided in subsection (1). Material to be filed with the authority may include health insurance claims and enrollment information used by health insurers.

(3) The authority may issue subpoenas for the production of information required under this section and may issue subpoenas for and administer oaths to any person. Noncompliance with a subpoena issued by the authority is, upon application by the authority, punishable by a district court as contempt pursuant to Title 3, chapter 1, part 5.

(4) The data base must:

(a) use unique patient and provider identifiers and a uniform coding system identifying health care services; and

(b) reflect all health care utilization, costs, and resources in the state and the health care utilization and costs of services provided to Montana residents in another state.

(5) Information in the data base required by law to be kept confidential must be maintained in a manner that does not disclose the identity of the person to whom the information applies. Information in the data base not required by law to be kept confidential must be made available by the authority upon request of any person.

(6)(3) The authority department shall adopt by rule a confidentiality code to ensure that information in the data base is maintained and used according to state law governing confidential health care information.

(4) The department shall make recommendations to the legislature by October 1, 1996, on the actions needed to establish the data base, including an estimate of the fiscal impact on state and local government, health care providers, health insurers, health care facilities, and private entities."

NEW SECTION. Section 10. Definitions. As used in this part, the following definitions apply:

(1) "Data base" means the health care data base created pursuant to 50-4-502.

(2) "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

(3) "Health care" includes both physical health care and mental health care.



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

(4) "Health care advisory council" means the council provided for in [sections 1 through 6].

(5) "Health care facility" means all facilities and institutions, whether public or private, proprietary or nonprofit, that offer diagnosis, treatment, and inpatient or ambulatory care to two or more unrelated persons. The term includes all facilities and institutions included in 50-5-101(19). The term does not apply to a facility operated by religious groups relying solely on spiritual means, through prayer, for healing.

(6) "Health care provider" or "provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to provide health care in the ordinary course of business or practice of a profession.

(7) "Health insurer" means any health insurance company, health service corporation, health maintenance organization, insurer providing disability insurance as described in 33-1-207, and, to the extent permitted under federal law, any administrator of an insured, self-insured, or publicly funded health care benefit plan offered by public and private entities."

Section 11. Section 50-4-601, MCA, is amended to read:

"50-4-601. Finding and purpose. The legislature finds that the goals of controlling health care costs and improving the quality of and access to health care will be significantly enhanced in some cases by cooperative agreements among health care facilities. The purpose of this part is to provide the state, through the authority department, with direct supervision and control over the implementation of cooperative agreements among health care facilities for which certificates of public advantage are granted. It is the intent of the legislature that supervision and control over the implementation of these agreements substitute state regulation of facilities for competition between facilities and that this regulation have the effect of granting the parties to the agreements state action immunity for actions that might otherwise be considered to be in violation of state or federal, or both, antitrust laws."

Section 12. Section 50-4-603, MCA, is amended to read:

"50-4-603. Certificate of public advantage -- standards for certification -- time for action by authority department. (1) Parties to a cooperative agreement may apply to the authority department for a certificate of public advantage. The application for a certificate must include a copy of the proposed or executed agreement, a description of the scope of the cooperation contemplated by the agreement, and the amount, nature, source, and recipient of any consideration passing to any person under the terms of the agreement.

(2) The authority department shall hold a public hearing on the application for a certificate before acting upon the application. The authority department may not issue a certificate unless the authority department finds that the agreement is likely to result in lower health care costs or in greater access to or quality of health care than would occur without the agreement. If the authority department denies an application for a certificate for an executed agreement, the agreement is void upon the decision of the authority department not to issue the certificate. Parties to a void agreement may not implement or carry out the agreement.

(3) The authority department shall deny the application for a certificate or issue a certificate within 90 days of receipt of a completed application."

Section 13. Section 50-4-604, MCA, is amended to read:

"50-4-604. Reconsideration by authority department. (1) If the authority department denies an application and refuses to issue a certificate, a party to the agreement may request that the authority department reconsider its decision. The authority department shall reconsider its decision if the party applying for reconsideration submits the request to the authority department in writing within 30 calendar days of the authority's department's decision to deny the initial application.

(2) The authority department shall hold a public hearing on the application for reconsideration. The hearing must be held within 30 days of receipt of the request for reconsideration unless the party applying for reconsideration agrees to a hearing at a later time. The hearing must be held pursuant to 2-4-604.

(3) The authority department shall make a decision to deny the application or to issue the certificate within 30 days of the conclusion of the hearing required by subsection (2). The decision of the authority department must



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

be part of written findings of fact and conclusions of law supporting the decision. The findings, conclusions, and decision must be served upon the applicant for reconsideration."

Section 14. Section 50-4-609, MCA, is amended to read:

"50-4-609. Revocation of certificate by authority department. (1) The authority department shall revoke a certificate previously granted by it if the authority department determines that the cooperative agreement is not resulting in lower health care costs or greater access to or quality of health care than would occur in absence of the agreement.

(2) A certificate may not be revoked by the authority department without giving notice and an opportunity for a hearing before the authority department as follows:

(a) Written notice of the proposed revocation must be given to the parties to the agreement for which the certificate was issued at least 120 days before the effective date of the proposed revocation.

(b) A hearing must be provided prior to revocation if a party to the agreement submits a written request for a hearing to the authority department within 30 calendar days after notice is mailed to the party under subsection (2)(a).

(c) Within 30 calendar days of receipt of the request for a hearing, the authority department shall hold a public hearing to determine whether or not to revoke the certificate. The hearing must be held in accordance with 2-4-604.

(3) The authority department shall make its final decision and serve the parties with written findings of fact and conclusions of law in support of its decision within 30 days after the conclusion of the hearing or, if no hearing is requested, within 30 days of the date of expiration of the time to request a hearing.

(4) If a certificate of public advantage is revoked by the authority department, the agreement for which the certificate was issued is terminated."

Section 15. Section 50-4-610, MCA, is amended to read:

"50-4-610. Appeal. A party to a cooperative agreement may appeal, in the manner provided in Title 2, chapter 4, part 7, a final decision by the authority department to deny an application for a certificate or a decision by the authority department to revoke a certificate. A revocation of a certificate pursuant to 50-4-609 does not become final until the time for appeal has expired. If a decision to revoke a certificate is appealed, the decision is stayed pending resolution of the appeal by the courts."

Section 16. Section 50-4-611, MCA, is amended to read:

"50-4-611. Record of agreements to be kept. The authority department shall keep a copy of cooperative agreements for which a certificate is in effect pursuant to this part. A party to a cooperative agreement who terminates the agreement shall notify the authority department in writing of the termination within 30 days after the termination."

Section 17. Section 50-4-612, MCA, is amended to read:

"50-4-612. Rulemaking. The authority department shall adopt rules to implement this part. The rules shall include rules:

(1) specifying the form and content of applications for a certificate;

(2) specifying necessary details for reconsideration of denial of certificates, revocations of certificates, hearings required or authorized by this part, and appeals; and

(3) to effect the active supervision by the authority department of agreements between health care facilities. These rules may include reporting requirements for parties to an agreement for which a certificate is in effect."

NEW SECTION. Section 18. Definitions. For the purposes of this part, the following definitions apply:

(1) "Certificate of public advantage" or "certificate" means a written certificate issued by the department as evidence of the department's intention that the implementation of a cooperative agreement, when actively

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

supervised by the department, receive state action immunity from prosecution as a violation of state or federal antitrust laws.

(2) "Cooperative agreement" or "agreement" means a written agreement between two or more health care facilities for the sharing, allocation, or referral of patients; personnel; instructional programs; emergency medical services; support services and facilities; medical, diagnostic, or laboratory facilities or procedures; or other services customarily offered by health care facilities.

(3) "Department" means the department of justice provided for in Title 2, chapter 15, part 20.

(4) "Health care facility" means all facilities and institutions, whether public or private, proprietary or nonprofit, that offer diagnosis, treatment, and inpatient or ambulatory care to two or more unrelated persons. The term includes all facilities and institutions included in 50-5-101(19). The term does not apply to a facility operated by religious groups relying solely on spiritual means, through prayer, for healing."

8. Page 8, line 6.

Following: "Sections"

Insert: "50-1-201,"

9. Page 8, line 7.

Following: "50-4-303,"

Insert: "50-4-304,"

10. Page 8, lines 8 and 9.

Strike: "50-4-502,"

Insert: "and"

Following: "50-4-503,"

Strike: the remainder of line 8 through "50-4-612," on line 9

11. Page 8, line 10.

Insert: "

NEW SECTION. Section 20. Name change -- directions to code commissioner. Wherever the name of or a reference to the Montana health care authority appears in legislation enacted by the 1995 legislature to be codified in Title 50, chapter 4, part 6, the code commissioner is directed to change the reference to the department of justice."

Renumber: subsequent sections

12. Page 8, line 11.

Strike: "instruction."

Insert: "instructions. (1)"

13. Page 8, line 14.

Insert: "(2) [Section 10] is intended to be codified as an integral part of Title 50, chapter 4, part 5, and the provisions of Title 50, chapter 4, part 5, apply to [section 10].

(3) [Section 18] is intended to be codified as an integral part of Title 50, chapter 4, part 6, and the provisions of Title 50, chapter 4, part 6, apply to [section 18]."

14. Page 8, line 20.

Strike: "11, 12, and 14"

Insert: "20 through 22, and 24"

15. Page 8, line 22.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Strike: "10"

Insert: "19"

And, as amended, do pass. Report adopted.

**HB 533**, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "AND"

2. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 1.

Following: line 13

Insert: "(1) "Block of business" means an individual disability insurance policy certificate or contract product type written and sold by a health care insurer to a defined set of individuals. All individuals covered by the type of policy or contract are considered to be within the block of business."

Renumber: subsequent subsections

4. Page 1, line 14.

Strike: "health care insurer as defined in 33-22-125"

Insert: "disability insurer, a health service corporation, or a health maintenance organization"

5. Page 1, line 27.

Strike: "standard health benefit plan referred to in 33-22-1811 and 33-22-1812"

Insert: "plan being applied for"

6. Page 1, line 30.

Following: "benefit society"

Insert: ", that provides benefits similar to or exceeding the plan being applied for"

7. Page 2, line 3.

Strike: "Portability of insurance required."

Insert: "Waiver of preexisting condition exclusion."

8. Page 2, line 7.

Strike: "effective"

Following: "date of"

Insert: "application for"

9. Page 2, lines 14 and 15.

Strike: "by premium" on line 14 through "state" on line 15

Insert: "across the block of business"

10. Page 3.



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Following: line 18

Insert: "NEW SECTION. Section 6. Applicability. [This act] applies to a policy, certificate, or contract of disability insurance and a health service membership contract entered into or renewed on or after [the effective date of this act].

NEW SECTION. Section 7. Effective date. [This act] is effective January 1, 1996."

And, as amended, do pass. Report adopted.

**HB 423**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "LIMITATIONS;"

Insert: "DESCRIBING EXPENDITURES THAT ARE SUBJECT TO LIMITATION; PROVIDING FOR THE REPORTING OF THE EXPENDITURES; PROVIDING GUIDELINES RELATED TO INDEPENDENT COMMITTEES;"

2. Title, line 11.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "13-10-202"

Insert: "AND 13-37-225"

3. Page 1, line 15.

Following: "(1)"

Insert: "(a)"

4. Page 1, line 17.

Following: "expenditures."

Insert: "(b)"

5. Page 1, line 18.

Strike: "5"

Insert: "6"

Following: "includes"

Insert: ":(i)"

Following: "committee"

Strike: "and"

Insert: ":(ii)"

6. Page 1, line 19.

Following: "candidate"

Insert: "(iii) work performed by the candidate on behalf of the candidate's campaign, which must be valued as if the candidate were paid the daily rate of current legislative salary provided in 5-2-301;

(iv) volunteer work, which must be valued as if the candidate paid each volunteer worker minimum wage as determined under 39-3-409, that is performed:

(A) on behalf of the candidate; or

(B) on behalf of a committee independent of the candidate's campaign but that influences the

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

election in favor of the candidate; and

(v) an expenditure made by a candidate, the candidate's family, or, subject to [section 6], a committee acting independently of the candidate's campaign, made in support of the candidate or in opposition to the candidate's opponent"

7. Page 1, line 21.

Following: "[section 2]"

Insert: "or in a mutual agreement negotiated between candidates"

8. Page 1, line 22.

Following: "law"

Insert: "or in the mutual agreement"

9. Page 2, line 17; page 4, line 20; and page 5, line 1.

Following: "[section 2]"

Insert: "or in a mutual agreement negotiated between candidates"

10. Page 3, line 27.

Strike: "5"

Insert: "6"

11. Page 4.

Following: line 15

Insert:

"NEW SECTION. Section 6. Independent committee activities approved or disapproved by candidate. (1) Before a committee operating independently of a candidate's campaign may engage in activities that will benefit a candidate, the committee shall contact the candidate and ask the candidate if the candidate approves of the committee's activities.

(2) If the candidate approves of the committee's activities:

(a) the committee is no longer an independent committee but is a political committee as defined in 13-1-101. The committee shall acknowledge on all literature, posters, advertisements, radio or television spots, or other material promulgated in a way that benefits a candidate's campaign that the candidate approves of the committee's activities; and

(b) the committee's expenditures relevant to the candidate's campaign must be counted toward the candidate's expenditure limit if the candidate has agreed to voluntary expenditure limitations under [section 1].

(3) If the candidate does not want the endorsement of the committee and does not approve of the committee's activities:

(a) the committee shall acknowledge on all literature, posters, advertisements, radio or television spots, or other material promulgated in a way that benefits a candidate's campaign that the candidate does not approve of the committee's activities; and

(b) the committee's expenditures do not count toward the candidate's limit if the candidate has agreed to voluntary expenditure limitations under [section 1].

(4) If a committee intentionally or negligently fails to comply with the requirements of this section, the committee may be fined under the provisions of 13-37-128."

Renumber: subsequent sections

12. Page 5.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

Following: line 10

Insert:

"Section 8. Section 13-37-225, MCA, is amended to read:

"13-37-225. Reports of contributions and expenditures required. (1) (a) Except as provided in 13-37-206, each candidate and political committee shall file periodic reports of contributions and expenditures made by or on the behalf of a candidate or political committee.

(b) Each candidate and political committee shall include in the report expenditures subject to voluntary limitation under [section 1].

(c) All reports required by this chapter shall be filed with the commissioner and with the election administrator of the county in which a candidate is a resident or the political committee has its headquarters. However, where residency within a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports shall be filed with the election administrator of the county in which the election is to be held or, if the election is to be held in more than one county, with the election administrator in the county that the commissioner specifies.

(2) In lieu of all contribution and expenditure reports required by this chapter, the commissioner shall accept copies of the reports filed by candidates for congress and president of the United States and their political committees pursuant to the requirements of federal law.""

Renumber: subsequent sections

13. Page 5, lines 12 and 14.

Strike: "5"

Insert: "6"

And, as amended, do pass. Report adopted.

**HB 563**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Strike: "CHANGING" on line 6 through "FUND;" on line 7

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/17/95

**SB 158**, introduced by Waterman

**SB 205**, introduced by Forrester

**SB 223**, introduced by Keating

**SB 227**, introduced by Weldon

**SB 240**, introduced by Van Valkenburg

**SB 245**, introduced by Jenkins

**SB 254**, introduced by Forrester

**SB 258**, introduced by Bartlett

**SB 277**, introduced by L. Nelson

**SB 304**, introduced by Pipinich

**SB 310**, introduced by Jacobson

**SB 316**, introduced by Bishop



HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 17, 1995

**SB 339**, introduced by Christiaens  
**SB 350**, introduced by Van Valkenburg  
**SB 393**, introduced by Aklestad

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, February 18, 1995. Motion carried.

House adjourned at 5:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk











